

4-6-2015

State v. Leary Clerk's Record Dckt. 43097

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DANIEL WILLIAM LEARY,

Defendant-Appellant.

Supreme Court Case No. 43097

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE CHERI C. COPSEY

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

State of Idaho vs. Daniel William Leary

Date	Code	User		Judge
11/14/2011	NCRF	PRSCHOKF	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRSCHOKF	Prosecutor assigned Ada County Prosecutor	Magistrate Court Clerk
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 11/14/2011 01:30 PM)	Michael Oths
	ARRN	CCCHILER	Hearing result for Video Arraignment scheduled on 11/14/2011 01:30 PM: Arraignment / First Appearance	Michael Oths
	CHGA	CCCHILER	Judge Change: Administrative	Daniel L Steckel
	ORPD	CCCHILER	Order Appointing Public Defender Ada County Public Defender [on the record in open court]	Daniel L Steckel
	HRSC	CCCHILER	Hearing Scheduled (Preliminary 11/28/2011 08:30 AM)	Daniel L Steckel
	BSET	CCCHILER	BOND SET: at 7500.00 - (I37-2732C {F} Controlled Substance-Use or Under the Influence)	Daniel L Steckel
	ORPD	MAHOLMSM	Order Appointing Public Defender [file stamped 11/15/11]	Daniel L Steckel
11/15/2011	BNDS	TCWADAMC	Bond Posted - Surety (Amount 7500.00)	Daniel L Steckel
	NOPE	TCPRESCS	Notification of Penalties for Escape	Daniel L Steckel
11/16/2011	MFBR	TCTONGES	Motion For Bond Reduction	Daniel L Steckel
	NOHG	TCTONGES	Notice Of Hearing	Daniel L Steckel
	RQDD	TCTONGES	Defendant's Request for Discovery	Daniel L Steckel
11/28/2011	CONT	CCMANLHR	Continued (Preliminary 12/20/2011 08:30 AM)	Daniel L Steckel
12/14/2011	NSSC	TCLANGAJ	Notice Of Substitution Of Counsel/McKenzie	Daniel L Steckel
12/20/2011	HRWV	CCMANLHR	Hearing result for Preliminary scheduled on 12/20/2011 08:30 AM: Hearing Waived	Daniel L Steckel
	PHWV	CCMANLHR	Hearing result for Preliminary scheduled on 12/20/2011 08:30 AM: Preliminary Hearing Waived (bound Over)	Daniel L Steckel
	HRSC	CCMANLHR	Hearing Scheduled (Arraignment 01/04/2012 01:30 PM)	Daniel L Steckel
	COMT	CCMANLHR	Commitment	Daniel L Steckel
12/21/2011	INFO	TCOLSOMC	Information	Cheri C. Copsey
12/22/2011	MOTN	TCOLSOMC	Motion to Disqualify Judge Without Cause and Reset Arraignment	Cheri C. Copsey
1/4/2012	DCAR	CCCHILER	Hearing result for Arraignment scheduled on 01/04/2012 01:30 PM: District Court Arraignment- Court Reporter: Kim Madsen Number of Pages: less than 25	Cheri C. Copsey
	CJWO	DCOATMAD	Change Assigned Judge: Disqualification W/O Cause	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Entry of Plea 01/12/2012 09:00 AM)	Mike Wetherell

State of Idaho vs. Daniel William Leary

Date	Code	User		Judge
1/4/2012	ORDR	CCJOHNLE	Order to Disqualify Judge without Cause	Cheri C. Copsey
1/9/2012	PROS	PRFLEMSM	Prosecutor assigned Heather Reilly	Mike Wetherell
	PROS	PRFLEMSM	Prosecutor assigned Kai E. Wittwer	Mike Wetherell
1/10/2012	RQDD	TCOLSOMC	Defendant's Request for Discovery	Mike Wetherell
1/12/2012	DCHH	DCOATMAD	Hearing result for Entry of Plea scheduled on 01/12/2012 09:00 AM: District Court Hearing Held Court Reporter: Fran Morris Number of Transcript Pages for this hearing estimated: less than 25 pgs	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Entry of Plea 01/26/2012 09:00 AM)	Mike Wetherell
1/26/2012	DCHH	DCOATMAD	Hearing result for Entry of Plea scheduled on 01/26/2012 09:00 AM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 25 pgs	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Entry of Plea 02/02/2012 09:00 AM)	Mike Wetherell
2/2/2012	DCHH	DCOATMAD	Hearing result for Entry of Plea scheduled on 02/02/2012 09:00 AM: District Court Hearing Held Court Reporter: Susan Gambiae Number of Transcript Pages for this hearing estimated: less than 25 pgs	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Sentencing 03/29/2012 02:00 PM)	Mike Wetherell
	PLEA	DCOATMAD	A Plea is entered for charge: - GT (I37-2732C {F} Controlled Substance-Use or Under the Influence)	Mike Wetherell
	PSSA1	DCOATMAD	Order for Presentence Investigation Report and Substance Abuse Assessment	Mike Wetherell
3/29/2012	DCHH	DCOATMAD	Hearing result for Sentencing scheduled on 03/29/2012 02:00 PM: District Court Hearing Held Court Reporter: Nicole Julson Number of Transcript Pages for this hearing estimated: less than 50 pgs	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Sentencing 04/26/2012 02:30 PM)	Mike Wetherell
4/26/2012	DCHH	DCOATMAD	Hearing result for Sentencing scheduled on 04/26/2012 02:30 PM: District Court Hearing Held Court Reporter: Nicole Julson Number of Transcript Pages for this hearing estimated: less than 25 pgs	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Sentencing 05/17/2012 03:30 PM)	Mike Wetherell
5/2/2012	MOTN	TCLANGAJ	Motion for Early Release	Mike Wetherell
5/7/2012	HRSC	DCOATMAD	Hearing Scheduled (Motion for Early Release 05/10/2012 10:30 AM)	Mike Wetherell

State of Idaho vs. Daniel William Leary

Date	Code	User	Judge
5/7/2012		DCOATMAD	Notice of Hearing on defendant's Motion for Early Release 5.10.12 Mike Wetherell
5/10/2012	DCHH	DCOATMAD	Hearing result for Motion scheduled on 05/10/2012 10:30 AM: District Court Hearing Held Court Reporter: Nicole Julson Number of Transcript Pages for this hearing estimated: less than 25 pgs Mike Wetherell
5/17/2012	DCHH	DCOATMAD	Hearing result for Sentencing scheduled on 05/17/2012 03:30 PM: District Court Hearing Held Court Reporter: Patty Terry Number of Transcript Pages for this hearing estimated: less than 50 pgs Mike Wetherell
	RESR	DCOATMAD	Restitution Recommended by the Prosecutor's office. 100.00 victim # 1 Mike Wetherell
	FIGT	DCOATMAD	Finding of Guilty (I37-2732C {F} Controlled Substance-Use or Under the Influence) Mike Wetherell
	JAIL	DCOATMAD	Sentenced to Jail or Detention (I37-2732C {F} Controlled Substance-Use or Under the Influence) Confinement terms: Credited time: 23 days. Penitentiary determinate: 2 years 6 months. Penitentiary indeterminate: 4 years 6 months. Mike Wetherell
	STAT	DCOATMAD	STATUS CHANGED: closed pending clerk action Mike Wetherell
	SNPF	DCOATMAD	Sentenced To Pay Fine 265.50 charge: I37-2732C {F} Controlled Substance-Use or Under the Influence Mike Wetherell
5/18/2012	BNDE	DCDANSEL	Surety Bond Exonerated (Amount 7,500.00) Mike Wetherell
5/21/2012	JCOR	DCDANSEL	Judgment of Conviction and Order Retaining Jurisdiction Mike Wetherell
	RJNR	DCDANSEL	No Recommendation Mike Wetherell
	ORDR	DCDANSEL	Order for Restitution and Judgment Mike Wetherell
9/10/2012	HRSC	DCOATMAD	Hearing Scheduled (Rider Review 09/20/2012 11:00 AM) Mike Wetherell
	STAT	DCOATMAD	STATUS CHANGED: Reopened Mike Wetherell
		DCOATMAD	Order to Transport 9/20/12 at 11:00 Mike Wetherell
9/20/2012	DCHH	DCOATMAD	Hearing result for Rider Review scheduled on 09/20/2012 11:00 AM: District Court Hearing Held Court Reporter: Leslie Anderson Number of Transcript Pages for this hearing estimated: 25 Mike Wetherell
	PROB	DCOATMAD	Probation Ordered (I37-2732C {F} Controlled Substance-Use or Under the Influence) Probation term: 5 years. (Misdemeanor Unsupervised) Mike Wetherell
	COPT	DCOATMAD	Confinement Option Recorded: Penitentiary suspended. Mike Wetherell
9/24/2012	ORDR	DCDANSEL	Order Suspending Sentence and Order of Probation Mike Wetherell

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State of Idaho vs. Daniel William Leary

Date	Code	User		Judge
12/7/2012	MOTN	TCTURNJM	Motion for BW for PV	Mike Wetherell
	ORDR	TCTURNJM	Order for BW for PV	Mike Wetherell
	WARB	TCTURNJM	Warrant Issued - Bench Bond amount: NO Bond. Failing to comply with a court order Defendant: Leary, Daniel W	Mike Wetherell
	STAT	TCTURNJM	STATUS CHANGED: Inactive	Mike Wetherell
12/10/2012	HRSC	CCMANLHR	Hearing Scheduled (Probation Violation Arraignment 12/20/2012 09:00 AM)	Mike Wetherell
	AFFD	TCMCCOSL	Affidavit	Mike Wetherell
	AFFD	TCMCCOSL	Affidavit of PC to Hold Probationer on Agent's Warrant	Mike Wetherell
	ORPD	TCMILLSA	Defendant: Leary, Daniel W Order Appointing Public Defender Public defender Ada County Public Defender [on the record in open court]	Mike Wetherell
	ORPD	MADEFRJM	Order Appointing Public Defender	Mike Wetherell
	ORDR	TCMCCOSL	Order on Probationer Arrest on Agent's Warrant	Mike Wetherell
	NOPE	TCMCCOSL	Notification of Penalties for Escape	Mike Wetherell
12/13/2012	MFBR	TCTONGES	Motion For Bond Reduction	Mike Wetherell
	NOHG	TCTONGES	Notice Of Hearing	Mike Wetherell
	RQDD	TCTONGES	Defendant's Request for Discovery	Mike Wetherell
12/20/2012	DCHH	DCOATMAD	Hearing result for Probation Violation Arraignment scheduled on 12/20/2012 09:00 AM: District Court Hearing Held Court Reporter: Fran Morris Number of Transcript Pages for this hearing estimated: 25	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Admit/Deny Hearing 01/03/2013 09:00 AM)	Mike Wetherell
	WARQ	DCOATMAD	Warrant Quashed Failing to comply with a court order Defendant: Leary, Daniel W -- Warrant Returned and Filed	Mike Wetherell
1/3/2013	DCHH	DCOATMAD	Hearing result for Admit/Deny Hearing scheduled on 01/03/2013 09:00 AM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: 25	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Disposition 01/17/2013 02:30 PM)	Mike Wetherell
	PLEA	DCOATMAD	A Plea is entered for charge: - GT (I20-222 Probation Violation)	Mike Wetherell

State of Idaho vs. Daniel William Leary

Date	Code	User	Judge
1/17/2013	DCHH	DCOATMAD	Hearing result for Disposition scheduled on 01/17/2013 02:30 PM: District Court Hearing Held Court Reporter: Nicole Julson Number of Transcript Pages for this hearing estimated: 25
	FIGT	DCOATMAD	Finding of Guilty (I20-222 Probation Violation)
	JAIL	DCOATMAD	Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Credited time: 214 days. Penitentiary determinate: 2 years 6 months. Penitentiary indeterminate: 4 years 6 months.
	STAT	DCOATMAD	STATUS CHANGED: closed pending clerk action
1/18/2013	ORPJ	DCDANSEL	Order of Revocation of Probation and Order Retaining Jurisdiction
5/8/2013	HRSC	DCOATMAD	Hearing Scheduled (Rider Review 05/23/2013 10:30 AM)
		DCOATMAD	Order to Transport 5.23.13
5/23/2013	DCHH	DCOATMAD	Hearing result for Rider Review scheduled on 05/23/2013 10:30 AM: District Court Hearing Held Court Reporter: Nicole Julson Number of Transcript Pages for this hearing estimated: 25
	PROB	DCOATMAD	Probation Ordered (I20-222 Probation Violation) Probation term: 5 years. (Felony Probation & Parole)
	COPT	DCOATMAD	Confinement Option Recorded: Penitentiary suspended.
5/24/2013	ORDR	DCDANSEL	Order Suspending Sentence and Reinstating Probation
12/19/2013	HRSC	CCMANLHR	Hearing Scheduled (Probation Violation Arraignment 01/09/2014 09:00 AM)
	ORPD	MAHOLMSM	Order Appointing Public Defender
	AFFD	TCMCCOSL	Affidavit
	AFFD	TCMCCOSL	Affidavit of PC to Hold Probationer on Agent's Warrant
	ORDR	TCMCCOSL	Order on Probationer Arrest on Agent's Warrant
12/20/2013	MOTN	TCTURNJM	Motion for PV (Agents Warrant)
12/24/2013	MFBR	TCCHRIKE	Motion For Bond Reduction
	NOHG	TCCHRIKE	Notice Of Hearing(0109/14@9AM)
	RQDD	TCCHRIKE	Defendant's Request for Discovery

State of Idaho vs. Daniel William Leary

Date	Code	User	Judge
1/9/2014	DCHH	DCOATMAD	Hearing result for Probation Violation Arraignment scheduled on 01/09/2014 09:00 AM: District Court Hearing Held Court Reporter: N Julson Number of Transcript Pages for this hearing estimated: 25
	HRSC	DCOATMAD	Hearing Scheduled (Admit/Deny Hearing 01/16/2014 09:00 AM)
1/16/2014	DCHH	DCOATMAD	Hearing result for Admit/Deny Hearing scheduled on 01/16/2014 09:00 AM: District Court Hearing Held Court Reporter: N Julson Number of Transcript Pages for this hearing estimated: 25
	HRSC	DCOATMAD	Hearing Scheduled (Probation Violation Disposition Hearing 02/20/2014 02:30 PM)
	HRSC	DCOATMAD	Hearing Scheduled (Drug Court 01/21/2014 02:15 PM) Observe
1/21/2014	HRHD	CCMASTLW	Hearing result for Drug Court scheduled on 01/21/2014 02:15 PM: Hearing Held Observe
	DCOB	CCMASTLW	Observed Drug/Veterans Court
1/22/2014	ORDR	CCMASTLW	Order to Make Defendant Available for Drug Court Assessment
	DCAS	CCMASTLW	Drug/Veterans Court Assessment Scheduled (2/3/14 @ 11am)
2/11/2014	DCAP	CCMASTLW	Applicant Accepted To Proceed
2/13/2014	HRSC	CCMASTLW	Hearing Scheduled (Hearing Scheduled 02/26/2014 09:00 AM) DC Application
2/20/2014	DCHH	DCOATMAD	Hearing result for Probation Violation Disposition Hearing scheduled on 02/20/2014 02:30 PM: District Court Hearing Held Court Reporter: Sue Wolf Number of Transcript Pages for this hearing estimated: 25
2/21/2014	ORDR	DCMAXWKK	Order Reinstating, Amending, and Extending Probation
2/26/2014	DCHH	CCMASTLW	Hearing result for Hearing Scheduled scheduled on 02/26/2014 09:00 AM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: DC Application less than 50
	CHTR	CCMASTLW	Change Judge Treatment Diversion Program
	HRSC	CCMASTLW	Hearing Scheduled (Drug Court 03/04/2014 02:15 PM)

State of Idaho vs. Daniel William Leary

Date	Code	User		Judge
2/26/2014	GPA	CCMASTLW	Drug Court Advisory	Cheri Copsey (DUI Court)
	MISC	CCMASTLW	Consent to Future Contact	Cheri Copsey (DUI Court)
	PH1	CCMASTLW	Phase I Contract	Cheri Copsey (DUI Court)
3/4/2014	FTAH	CCMASTLW	Hearing result for Drug Court scheduled on 03/04/2014 02:15 PM: Failure To Appear For Hearing Or Trial	Cheri Copsey (DUI Court)
3/5/2014	WARB	TCTURNJM	Warrant Issued - Bench Bond amount: NO BOND. Failure to Appear Defendant: Leary, Daniel William	Cheri Copsey (DUI Court)
	STAT	TCTURNJM	STATUS CHANGED: Inactive	Cheri Copsey (DUI Court)
5/16/2014	HRSC	CCMASTLW	Hearing Scheduled (Drug Court 05/20/2014 02:15 PM)	Cheri Copsey (DUI Court)
	WART	TCROBIMD	Warrant Returned Failure to Appear Defendant: Leary, Daniel William	Cheri Copsey (DUI Court)
	STAT	TCROBIMD	STATUS CHANGED: Pending	Cheri Copsey (DUI Court)
	BOOK	TCROBIMD	Booked into Jail on:	Cheri Copsey (DUI Court)
5/20/2014	DCHH	CCMASTLW	Hearing result for Drug Court scheduled on 05/20/2014 02:15 PM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50	Cheri Copsey (DUI Court)
6/6/2014	HRSC	CCMASTLW	Hearing Scheduled (Drug Court 06/10/2014 02:15 PM)	Cheri Copsey (DUI Court)
6/10/2014	DCHH	CCMASTLW	Hearing result for Drug Court scheduled on 06/10/2014 02:15 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated:	Cheri Copsey (DUI Court)
	ORDR	CCMASTLW	Order for Jail Program	Cheri Copsey (DUI Court)
6/17/2014	ORDR	CCMASTLW	Order for Jail Program	Cheri Copsey (DUI Court)
7/22/2014	HRSC	CCMASTLW	Hearing Scheduled (Drug Court 07/29/2014 02:15 PM)	Cheri Copsey (DUI Court)
7/29/2014	DCHH	CCMASTLW	Hearing result for Drug Court scheduled on 07/29/2014 02:15 PM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50	Cheri Copsey (DUI Court)
	HRSC	CCMASTLW	Hearing Scheduled (Drug Court 08/05/2014 02:15 PM)	Cheri Copsey (DUI Court)

000008

State of Idaho vs. Daniel William Leary

Date	Code	User	Judge
8/5/2014	DCHH	CCMASTLW	Hearing result for Drug Court scheduled on 08/05/2014 02:15 PM: District Court Hearing Held Court) Court Reporter: Nicole Julson Number of Transcript Pages for this hearing estimated: Less than 50
	HRSC	CCMASTLW	Hearing Scheduled (Drug Court 08/12/2014 02:15 PM)
8/11/2014	APPL	DCDANSEL	Verified Application to Revoke O.R. Release or Release on Bond
8/12/2014	WARB	TCTURNJM	Warrant Issued - Bench Bond amount: NO BOND. Failing to comply with a court order Defendant: Leary, Daniel William
	STAT	TCTURNJM	STATUS CHANGED: Inactive
	FTAH	CCMASTLW	Hearing result for Drug Court scheduled on 08/12/2014 02:15 PM: Failure To Appear For Hearing Or Trial
11/12/2014	HRSC	CCMASTLW	Hearing Scheduled (Drug Court 11/18/2014 02:15 PM)
	WART	TCROBIMD	Warrant Returned Failing to comply with a court order Defendant: Leary, Daniel William
	STAT	TCROBIMD	STATUS CHANGED: Pending
	BOOK	TCROBIMD	Booked into Jail on:
11/18/2014	DCHH	CCMASTLW	Hearing result for Drug Court scheduled on 11/18/2014 02:15 PM: District Court Hearing Held Court) Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50
	HRSC	CCMASTLW	Hearing Scheduled (Admit/Deny Hearing 11/26/2014 01:30 PM)
	MOTN	CCMASTLW	Motion for BW for PV
	MOTN	CCMASTLW	Motion for Discharge From Drug Court
11/19/2014	WARB	TCPACKCF	Warrant Issued - Bench Bond amount: No Bond Failing to comply with a court order Defendant: Leary, Daniel William
	STAT	TCPACKCF	STATUS CHANGED: Inactive
	ORDR	CCJOHNLE	Order for BW for PV
11/21/2014	WART	TCROBIMD	Warrant Returned Failing to comply with a court order Defendant: Leary, Daniel William
	STAT	TCROBIMD	STATUS CHANGED: Pending

State of Idaho vs. Daniel William Leary

Date	Code	User	Judge
11/21/2014	BOOK	TCROBIMD	Booked into Jail on: Cheri Copsey (DUI Court)
11/26/2014	DCHH	CCMASTLW	Hearing result for Admit/Deny Hearing scheduled on 11/26/2014 01:30 PM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50
	HRSC	CCMASTLW	Hearing Scheduled (PV Disposition Hearing 12/17/2014 09:00 AM) Cheri C. Copsey
	PLEA	CCMASTLW	A Plea is entered for charge: - GT (I20-222 Probation Violation) Cheri Copsey (DUI Court)
	CHGA	CCMASTLW	Judge Change: Administrative Cheri C. Copsey
	ORDR	CCMASTLW	Order for Discharge From Ada County Drug Court Program Cheri C. Copsey
12/17/2014	DCHH	CCMASTLW	Hearing result for PV Disposition Hearing scheduled on 12/17/2014 09:00 AM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50
	HRSC	CCMASTLW	Hearing Scheduled (PV Disposition Hearing 02/04/2015 09:00 AM) Cheri C. Copsey
2/4/2015	DCHH	CCMASTLW	Hearing result for PV Disposition Hearing scheduled on 02/04/2015 09:00 AM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50
	HRSC	CCMASTLW	Hearing Scheduled (PV Disposition Hearing 03/18/2015 09:00 AM) Cheri C. Copsey
3/18/2015	DCHH	CCMASTLW	Hearing result for PV Disposition Hearing scheduled on 03/18/2015 09:00 AM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50
	FIGT	CCMASTLW	Finding of Guilty (I20-222 Probation Violation) Cheri C. Copsey
	JAIL	CCMASTLW	Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Penitentiary determinate: 2 years 6 months. Penitentiary indeterminate: 4 years 6 months. Cheri C. Copsey
	JAIL	DCDANSEL	Credited time: 526 days. Cheri C. Copsey
3/19/2015	ORDR	DCDANSEL	Order Revoking Probation and Imposing Sentence Cheri C. Copsey
4/6/2015	NOTA	TCCHRIKE	NOTICE OF APPEAL Cheri C. Copsey
	APSC	TCCHRIKE	Appealed To The Supreme Court Cheri C. Copsey

Date: 6/10/2015

Fourth Judicial District Court - Ada County

User: TCWEGEKE

Time: 11:38 AM

ROA Report

Page 10 of 10

Case: CR-FE-2011-0018061 Current Judge: Cheri C. Copsey

Defendant: Leary, Daniel William

State of Idaho vs. Daniel William Leary

Date	Code	User	Judge
4/13/2015	ORDR	CCMASTLW	Order Appointing SAPD Cheri C. Copsey
6/10/2015	NOTC	TCWEGEKE	Notice of Transcript Lodged - Supreme Court No. 43097 Cheri C. Copsey

000011

DR # 11-127445

NOV 14 2011

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Douglas R. Varie
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

DANIEL W LEARY,)

Defendant.)

Case No. CR-FE-2011-0018061

COMPLAINT

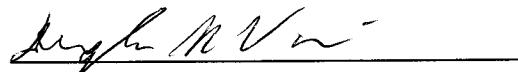
Leary's [REDACTED]

PERSONALLY APPEARED Before me this 14 day of November 2011, Douglas R. Varie, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that DANIEL W LEARY, on or about the 12th day of November, 2011, in the County of Ada, State of Idaho, did commit the crime of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c) as follows:

That the Defendant, DANIEL W LEARY, on or about the 12th day of November, 2011, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Douglas R. Varie
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 14 day of November 2011.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

vs.

Daniel W. Leary

PROSECUTOR Doug Varie

COMPLAINING WITNESS _____

CASE NO. FE 2011-18061

CLERK H. MANLEY

DATE 11 / 14 / 2011 TIME 1102

TOXIMETER _____

CASE ID. Swain 111411 BEG. 110215

END 110439

JUDGE

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> BEREZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input checked="" type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- ☒ STATE SWORN
☒ PC FOUND _____
☒ COMPLAINT SIGNED
☐ AMENDED COMPLAINT SIGNED
☐ AFFIDAVIT SIGNED
☐ NO PC FOUND _____
☐ EXONERATE BOND
☐ SUMMONS TO BE ISSUED
☐ WARRANT ISSUED
☐ BOND SET \$ _____
☐ NO CONTACT

D.R. # _____

- ☐ DISMISS CASE
☒ IN CUSTODY

COMMENTS

() AGENT'S WARRANT

() RULE 5(b)

() FUGITIVE

ADA COUNTY MAGISTRATE MINUTES

Daniel W Leary CR-FE-2011-0018061

Scheduled Event: Video Arraignment Monday, November 14, 2011 01:30 PM

Judge: Michael Oths Clerk: EC Interpreter:

Prosecuting Agency: AC BC EA GC MC Pros: S Beck

PD / Attorney: T Moore

• 1 I37-2732C F Controlled Substance-Use or Under the Influence F

34227 Case Called Defendant: Present Not Present In Custody

Advised of Rights Waived Rights X PD Appointed Waived Attorney

Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty

Bond \$ 7500 ROR Pay / Stay Payment Agreement

In Chambers PT Memo Written Guilty Plea No Contact Order

Prelim: 11 / 28 / 11 @ 8:30 am
w/ Steckel

Finish () Release Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

NO. _____ FILED
A.M. 11:07 P.M. _____

NOV 15 2011

STATE OF IDAHO,
Plaintiff.

vs.

Daniel W Leary
1695 Cleveland St
Boise, ID 83705

Defendant.

CHRISTOPHER D. RICH, Clerk
By CORINE PRESLEY
DEPUTY

Case No: CR-FE-2011-0018061

**NOTICE OF APPOINTMENT OF PUBLIC DEFENDER
AND SETTING CASE FOR HEARING**

☒ Ada ☐ Boise ☐ Eagle ☐ Garden City ☐ Meridian

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Preliminary Monday, November 28, 2011 08:30 AM
Judge: Daniel L Steckel

BOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE **PERSONALLY PRESENT** AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A **BENCH WARRANT** FOR THE DEFENDANT'S ARREST.

Dated : 11/14/2011

Deputy Clerk

I hereby certify that copies of this Notice were served as follows on this date Monday, November 14, 2011

Defendant: Mailed _____ Hand Delivered ☒ Signature _____

Phone () _____

Clerk / date

Prosecutor: Interdepartmental Mail ☒

Public Defender: Interdepartmental Mail ☒

Deputy Clerk

000016

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

THE STATE OF IDAHO,
Plaintiff,

vs.

LEARY DANIEL W
Defendant

NOTICE OF COURT DATE
AND
BOND RECEIPT

NO. 9 FILED
A.M. 9 P.M. 9

NOV 15 2011

CHRISTOPHER D. RICH,
By CHERYL WADAMS
DEPUTY

YOU ARE HEREBY NOTIFIED that you must appear in Court
on 28 November 2011 at 08:30:00 hrs, at the:

Ada County Courthouse
200 West Front Street
Boise, 83702

If you have been arrested for a Citation, This Notice of Court Date Supersedes any other Court Date for this case. If you have been given a date by the court you must keep those appearances, failing to do so will cause a warrant for arrest and forfeiture of bond.

You are further notified that if you fail to appear as specified herein, your bond will be forfeited and a Warrant of Arrest will be issued against you.

BOND RECEIPT No: 623643

Charge: 37-2732 {F} CONTROLLED SUBSTANCE VIOLATION

Bond Amount: \$ 7,500.00

Case # CRFE20110018061

Bond # S10-01779719

Bond Type: Surety

Warrant #:

Agency: Almarez Bail Bonds

Insurance: Seneca Insurance Co.

Bondsman: ALMARAZ SENAYDA

Address: P.O. BOX 190775
BOISE, ID 83719

This is to certify that I have received a copy of this NOTICE TO APPEAR.
I understand that I am being released on the conditions of posting bail and
my promise to appear in the court at the time, date, and place described in this notice.

DATED: 11/14/2011


DEFENDANT

FILED 4/15/11 AT 11:50A .M.

CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT

BY [Signature]
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY

STATE OF IDAHO,

Plaintiff,

vs.

Leary

Defendant.

SSN: XXX-XX-

CASE NO. FE-11-18061

NOTIFICATION OF CONSEQUENCES AND
PENALTIES FOR ESCAPE PURSUANT TO
I.C. §§ 18-2505, 2506

TO: THE ABOVE-NAMED DEFENDANT, YOU ARE HEREBY NOTIFIED AS FOLLOWS:

I.C. § 18-2505 (1) Every prisoner charged with, convicted of, or on probation for a **felony** who is confined in any correctional facility, as defined in section 18-101A, Idaho Code, including any private correctional facility, or who while outside the walls of such correctional facility in the proper custody of any officer or person, or while in any factory, farm or other place without the walls of such correctional facility, who escapes or attempts to escape from such officer or person, or from such correctional facility, or from such factory, farm or other place without the walls of such correctional facility, shall be guilty of a **felony**, and upon conviction thereof, any such second term of imprisonment shall commence at the time he would otherwise have been discharged. A felony is punishable by fine not exceeding fifty thousand dollars (\$50,000.00) or imprisonment in the state prison not to exceed five (5) years or both.

I.C. § 18-2506 (1)(a) Every prisoner charged with or convicted of a **misdemeanor** who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a **misdemeanor**. A misdemeanor is punishable by fine not exceeding \$1000.00 or by imprisonment in the county jail not to exceed one (1) year or both.

(b) In cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was perpetrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a **felony**.

Escape shall be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care.

I ACKNOWLEDGE RECEIPT OF THIS WRITTEN NOTICE.

[Signature]
DEFENDANT

11-14-11
DATE

200
PH
11/28
8:30

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1055
A.M. 10:55 FILED P.M.
NOV 16 2011
CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

DANIEL W LEARY,


Defendant.

Case No. CR-FE-2011-0018061

MOTION FOR BOND REDUCTION

COMES NOW, DANIEL W LEARY, the above-named defendant, by and through counsel STEVEN A BOTIMER, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Wednesday, November 16, 2011.


STEVEN A BOTIMER
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, November 16, 2011, I mailed a true and correct copy of the within instrument to:

BRENT A FERGUSON
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MOTION FOR BOND REDUCTION


000019

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1095
A.M. 10:35 FILED
P.M.

NOV 16 2011
CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

DANIEL W LEARY,

Defendant.

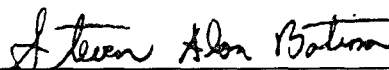
Case No. CR-FE-2011-0018061

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to BRENT A FERGUSON:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Monday, November 28, 2011, at the hour of 08:30 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Wednesday, November 16, 2011.



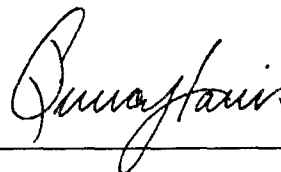
STEVEN A BOTIMER
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, November 16, 2011, I mailed a true and correct copy of the within instrument to:

BRENT A FERGUSON
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



NOTICE OF HEARING

000020

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1055
A.M. 10 FILED 55 P.M.
NOV 16 2011
CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

DANIEL W LEARY,

Defendant.

Case No. CR-FE-2011-0018061

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

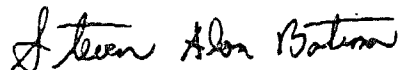
PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Wednesday, November 16, 2011.



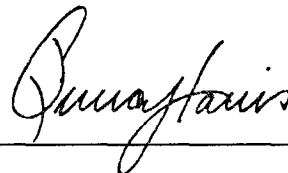
STEVEN A BOTIMER
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, November 16, 2011, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



FILED 112811 AT 932 ^{PM}
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY Amankley
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Daniel W. Leary

Defendant. 9-23-1990

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number FE-2011-18061

Case Called Steel 93035

☒ Ada ☐ Special B. Duggan

☒ PD Attorney S. Botimer

Defendant: ☒ Present ☐ Not Present ☐ In Custody ☐ PD Appointed ☐ Waived Attorney

☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter

☒ Bond \$ 750- ☐ Motion for Bond Reduction Denied / Granted

☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☒ State / Defense / Mutual Request for Continuance D wants to hire pt atty

☒ State / Defense / No Objection to Continuance

☒ Case continued to 12-20-11 at 8:30 ^{am/pm} for PH

☐ Defendant Waives Preliminary Hearing ☐ Hearing Held ☐ Commitment Signed

☐ Case Bound Over to Judge on at am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT ST., BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

DATED 11-28-11

CHRISTOPHER D. RICH, Clerk of the District Court

By: Amankley
Deputy Clerk

I hereby certify that copies of this notice were served as follows:

Defendant ☒ Hand Delivered

Defense Attorney ☐ Hand Delivered

Public Defender ☐ Hand Delivered

Prosecutor ☒ Hand Delivered

Signature Don Leary

Clerk h Date 112811

DEC 14 2011

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

200
P#
12/20
820
Curtis D. McKenzie, ISB 5591
cdm@mckenzielawoffices.com
Michael J. Nelson, ISB 8199
mjn@mckenzielawoffices.com
MCKENZIE LAW OFFICES, PLLC
412 W. Franklin Rd.
Boise, Idaho 83702
(208) 344-4379 (office)
(208) 331-2150 (facsimile)

Attorneys for Daniel Leary

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

DANIEL LEARY,

Defendant.

Case No. CR-FE-2011-0018061

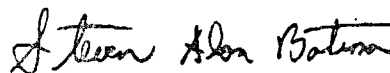
**NOTICE OF
SUBSTITUTION OF COUNSEL**

The above named Defendant hereby gives notice that Curtis D. McKenzie and Michael J. Nelson, of MCKENZIE LAW OFFICES, PLLC are being substituted as attorney, replacing the Ada County Public Defender.



Date: 12/14/11

Michael J. Nelson
McKenzie Law Offices, PLLC
412 W. Franklin
Boise, Idaho 83702
(208) 344-4379
(208) 331-2150 (facsimile)



Date:

Ada County Public Defender
200 West Front Street
Boise, Idaho 83702
(208) 287-7450
(208) 287-7419 (facsimile for Magistrate)
(208) 287-7409 (facsimile for District)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 13th day of December, 2011, a true and correct copy of the within and foregoing instrument was served upon:

**Ada County Prosecuting Attorney
200 W. Front Street
Boise, Idaho 83702**

Served by: Facsimile 208-287-7700



Michael J. Nelson
Curtis D. McKenzie

FILED 12-20-11 AT 9:07 A.M.
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY Ammanly
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Daniel W. Leary

Defendant.

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number FE 2011-18061

Case Called Steckel 90616

☒ Ada ☐ Special B. Ferguson

PD / Attorney M. Nelson

Defendant: ☒ Present ☐ Not Present ☐ In Custody ☐ PD Appointed ☐ Waived Attorney

☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter

☒ Bond \$ 7500 ☐ Motion for Bond Reduction Denied / Granted

☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☐ State / Defense / Mutual Request for Continuance

☐ State / Defense Objection / No Objection to Continuance

☐ Case continued to at am/pm for

☒ Defendant Waives Preliminary Hearing ☐ Hearing Held ☒ Commitment Signed

☒ Case Bound Over to Judge Copsey on 1-4-12 at 1:30 am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT ST., BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

CHRISTOPHER D. RICH, Clerk of the District Court

DATED 12-20-11

By: Ammanly
Deputy Clerk

I hereby certify that copies of this notice were served as follows:

Defendant ☐ Hand Delivered

Defense Attorney ☒ Hand Delivered

Public Defender ☐ Hand Delivered

Prosecutor ☒ Hand Delivered

Signature [Signature]
M. Nelson

Clerk bn Date 12-20-11

DEC 20 2011

CHRISTOPHER D. RICH, Clerk
By HEIDI MANLEY
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Brent A. Ferguson

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Phone: 287-7700

Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DANIEL W LEARY,

Defendant.

)
)
)
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)
)
)
)
)

Case No. CR-FE-2011-0018061

COMMITMENT

Defendant's 

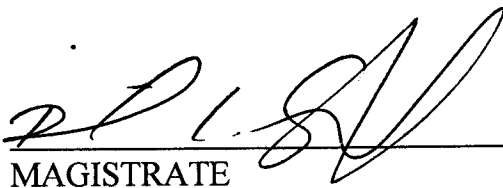
THE ABOVE NAMED DEFENDANT, DANIEL W LEARY, having been brought before this Court for a Preliminary Examination on the 20th day of Dec, 2011, on a charge that the Defendant on or about the 12th day of November, 2011, in the County of Ada, State of Idaho, did commit the crime of: POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c) as follows:

That the Defendant, DANIEL W LEARY, on or about the 12th day of November, 2011, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ 7,500 -.

DATED this 22nd day of December, 2011.


MAGISTRATE

195
AR
114
1:30

NO. _____
A.M. _____ FILED _____ P.M. 403

DEC 21 2011

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

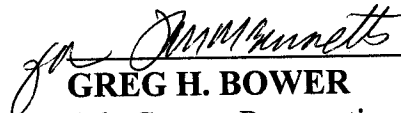
STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2011-0018061
)	
vs.	)	INFORMATION
)	
DANIEL W LEARY,	)	Defendant's [REDACTED]
	)	[REDACTED]
Defendant.)	
)	

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that DANIEL W LEARY is accused by this Information of the crime of: POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c) which crime was committed as follows:

That the Defendant, DANIEL W LEARY, on or about the 12th day of November, 2011, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance.

MO

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

Ada County Mugshot - Prosecutor's Office



User: PRLANEJR

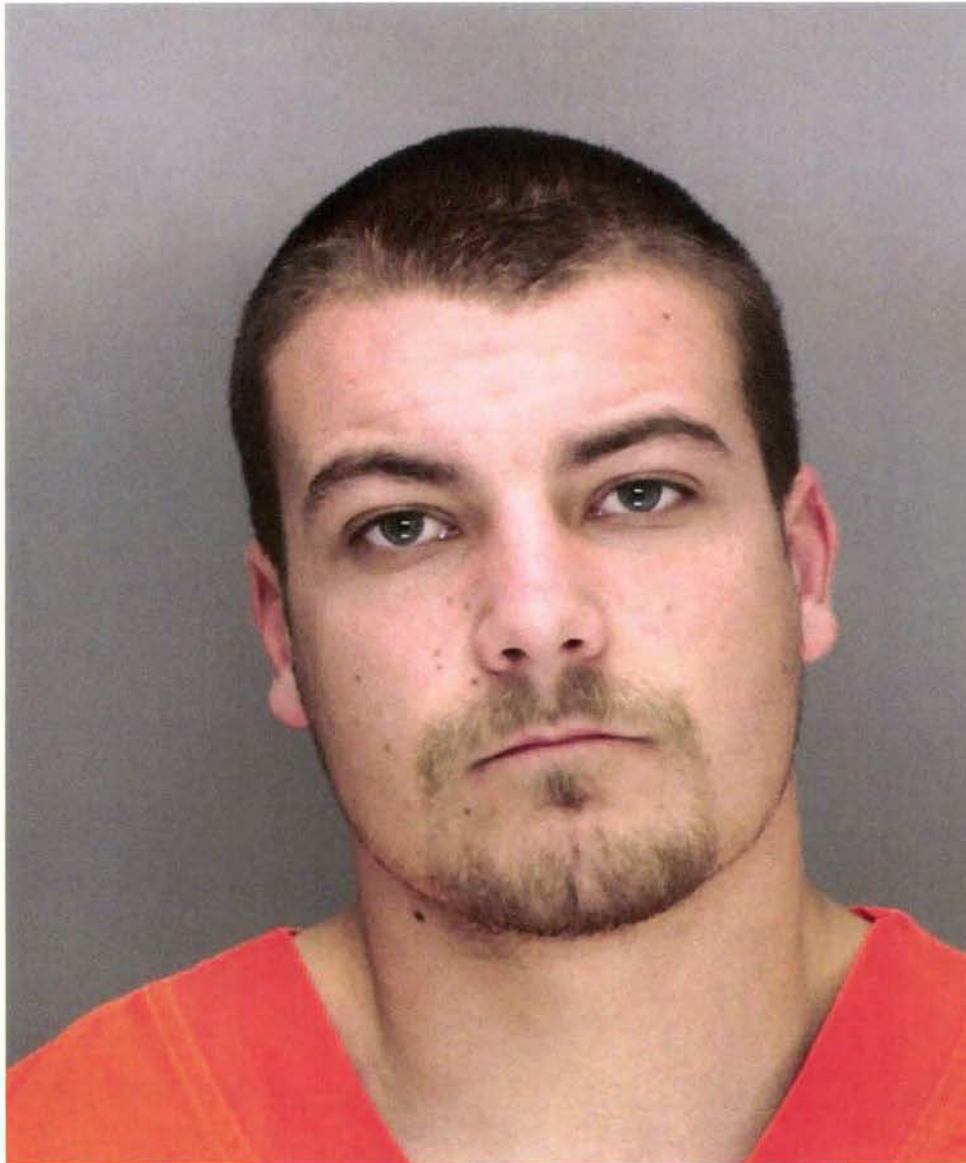


Photo Taken: 2011-11-12 11:24:00

Name: LEARY, DANIEL W

Case #: CR-FE-2011-0018061

LE Number: 687140

Height: 507

Weight: 150

Drivers License Number:

Drivers License State:

Sex: M Race: W Eye Color: GRN Hair Color: BRO Facial Hair:

Marks: CHEST

Scars:

Tattoos:

000031

FILED
P.M.

DEC 22 2011

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

195
A2
114
1:30

Curtis D. McKenzie, ISB 5591
cdm@mckenzielawoffices.com
Michael J. Nelson, ISB 8199
mjn@mckenzielawoffices.com
MCKENZIE LAW OFFICES, PLLC
412 W. Franklin St.
Boise, Idaho 83702
(208) 344-4379 (office)
(208) 331-2150 (facsimile)

Attorneys for Daniel Leary

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

v.

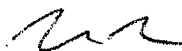
DANIEL LEARY,

Defendant.

Case No. CR-FE-2011-18061

**MOTION TO DISQUALIFY JUDGE
WITHOUT CAUSE AND RESET
ARRAIGNMENT**

Defendant, Daniel Leary, by and through his attorneys of record Curtis D. McKenzie and Michael J. Nelson of McKenzie Law Offices, PLLC, hereby moves to disqualify the Honorable Cheri Copsey as the presiding Judge in this matter pursuant to Idaho Criminal Rule 25(a) and that another Judge be appointed. This reassignment necessitates vacating the arraignment presently set for January 4th, 2012 at 1:30 p.m before Judge Cheri Copsey, and Defendant moves to vacate and reset that hearing.



Michael J. Nelson

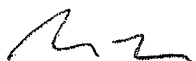
MO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 22nd day of December, 2011, a true and correct copy of the within and foregoing instrument was served upon:

**Ada County Prosecuting Attorney
200 W. Front St. Rm 3191
Boise, ID 83702**

Served: Facsimile 287-7709



Michael J. Nelson

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>1:37:28 PM</u>		ST v DANIEL LEARY CR-FE-11-18061 ARRAIGNMENT BOND (McKenzie)
<u>1:37:32 PM</u>	Judge Copsey	ct calls case, def present with counsel; state present
<u>1:37:44 PM</u>	Judge	def arraigned on info, formal reading waived
<u>1:38:17 PM</u>	Judge	case has been reassigned to Judge wetherell, next court date EOP 1-12-11 @ 9:00
<u>1:38:45 PM</u>	Curtis McKenzie	counsel provides order, judge signs

Curtis D. McKenzie, ISB 5591
cdm@mckenzielawoffices.com
Michael J. Nelson, ISB 8199
mjn@mckenzielawoffices.com
McKENZIE LAW OFFICES, PLLC
412 W. Franklin St.
Boise, Idaho 83702
(208) 344-4379 (office)
(208) 331-2150 (facsimile)

Attorneys for Daniel Leary

NO. _____ FILED 4:30 PM
AM. _____

JAN 04 2012

CHRISTOPHER D. RICH, Clerk
By DIANE OATMAN
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

v.

DANIEL LEARY,

Defendant.

Case No. CR-FE-2011-18061

**ORDER TO DISQUALIFY JUDGE
WITHOUT CAUSE**

Pursuant to Idaho Criminal Rule 25(a) and with no prior disqualifications under Idaho
Criminal Rule 25(a)(1),

IT IS HEREBY ORDERED that:

The Honorable Judge Copsey is hereby disqualified without cause;

DATED this 4th day of January, 2012.

Clare Copsey

Honorable Judge Copsey

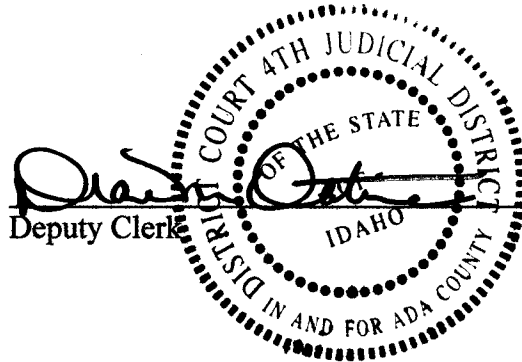
CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 5 day of January, 2012, a true and correct copy of the within and foregoing instrument was served upon:

Ada County Prosecuting Attorney
200 W. Front St. Rm 3191
Boise, ID 83702

McKenzie Law Offices, PLLC
412 W. Franklin St.
Boise, ID 83702

Served By:



NO. 11-10 FILED
A.M. 11:10 P.M.

JAN 10 2012

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

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Curtis D. McKenzie, ISB 5591
cdm@mckenzielawoffices.com
Michael J. Nelson, ISB 8199
MCKENZIE LAW OFFICES, PLLC
412 W. Franklin Rd.
Boise, Idaho 83702
(208) 344-4379 (office)
(208) 331-2150 (facsimile)

Attorneys for Daniel W. Leary

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

v.

DANIEL W. LEARY

Defendant.

Case No. CR-FE-2011-0018061

REQUEST FOR DISCOVERY

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho
Criminal rules, requests discovery and inspection of the following information, evidence and
materials:

1. Any material or information within your possession or control, or which thereafter comes into your possession or control, which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore. Your obligation under this paragraph extends to material and information in the possession or control of members of your staff and of any others who have participated in the investigation or evaluation of the case who either regularly report, or with reference to this particular case have reported, to your office.
2. Statement of Defendant. Any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to you by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before

REQUEST FOR DISCOVERY 1

000037

or after arrest to a peace officer, prosecuting attorney or his agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.

3. Statement of a co-defendant. Any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of your office.
4. Defendant's prior record. A copy of the defendant's prior criminal record, if any, as is then or may become available to the prosecuting attorney.
5. Documents and tangible objects. Any books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney and which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the defendant.
6. Reports of examinations and tests. Any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, within the possession, custody or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence.
7. State witnesses. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior felony convictions of any such person which is within the knowledge of the prosecuting attorney.
8. Statements of state witness. Any statements made by the prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or his agents or to any official involved in the investigatory process of the case unless a protective order is issued as provided in Rule 16(k).
9. Police reports. Reports and memoranda in your possession which were made by a police officer or investigator in connection with the investigation or prosecution of the case.
10. Radio Dispatch Logs and Audio and Video tapes: All radio and dispatch logs, audio tapes and video tapes from time of involvement of officer into this case to entry of Defendant in jail.
11. Copies of all dispatch and telephone logs relating in any fashion to the Defendant herein or to any of the named co-Defendants on the 12th day of November, 2011, from every city, county and/or state police and/or sheriff's agency which was contacted and/or which responded in any way to the events on which the above entitled matter is based. This includes, but is not limited to, dispatch logs for the arresting officer's entire shift.

12. Pursuant to I.C.R. 16(b)(7), the Defendant hereby makes written request for a written summary or report of any testimony that the state intends to introduce pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence at trial or hearing. The summary provided must describe the witness's opinions, the facts and data for those opinions, and the witness's qualifications.

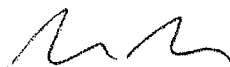
NOTICE IS HEREBY GIVEN that you are required to file and serve a written response within fourteen (14) days of service of this request by filing the original copy with the court and serving a copy upon the opposing party.

NOTICE IS HEREBY GIVEN that this is a continuing request and the prosecuting attorney shall timely file such supplemental responses with this Court and serve the same upon such attorney for the defendant as may from time to time be required to correctly set forth all further and different information obtained by the prosecuting attorney. If subsequent to compliance with a request issued pursuant to this rule, and prior to or during trial, a party discovers additional evidence or during evidence or an additional witness or witnesses, or decides to use additional evidence, witness or witnesses, such evidence is automatically subject to discovery and inspection under such prior request and you shall promptly notify the other party or his attorney and the court of the existence of such additional evidence or the names of such additional witness or witnesses in order to allow the other party to make an appropriate request for additional discovery or inspection.

NOTICE IS FURTHER GIVEN that if you have failed to comply with this request for discovery, the court, upon motion of a party, may order a party to permit the discovery or inspection, prohibit the discovery of part or all of the information, evidence or material sought to be discovered, or enter such other order as it deems just in the circumstances.

DATED this 09th day of January, 2012.

MCKENZIE LAW OFFICES, PLLC



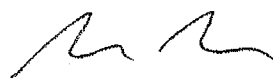
Michael J. Nelson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 09th day of January, 2012, a true and correct copy of the within and foregoing instrument was served upon:

Ada County Prosecutor's Office
200 West Front Street, Room 3191
Boise, ID 83702

Served by: Facsimile 208-287-7709



Michael J. Nelson

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>8:45:59 AM</u>	M Wethere II	Daniel Leary FE1118061 Entry of plea -- bond -- Michael Nelson -- Kai Wittwer
<u>9:07:17 AM</u>	M Wethere II	Ct notes counsel reqt'g two week set over
<u>9:07:28 AM</u>	M Wethere II	Jan 26, 2012 at 9:00
<u>9:07:36 AM</u>		End of Case

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>9:11:20 AM</u>	M Wetherell	Daniel Leary FE1118061 - entry of Plea -- bond w/counsel Michael Nelson/Kai Wittwer
<u>9:12:37 AM</u>	Def Counsel	working on resolution -- req one week
<u>9:12:45 AM</u>	State	concurs
<u>9:12:48 AM</u>	M Wetherell	Feb 2, 2012 at 9:00 entry of plea -- set over at defense request
<u>9:13:10 AM</u>		End of Case

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>9:11:14 AM</u>	M Wetherell	Daniel Leary FE1118061 - Entry of Plea -- bond - Mike Nelson/Kai Wittwer
<u>9:11:59 AM</u>	Def Counsel	guilty plea
<u>9:12:32 AM</u>	Def Counsel	rec'd 2+5 60d ACJ
<u>9:13:04 AM</u>		End of Case <i>Ct passes case</i>

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>9:14:27 AM</u>		
<u>9:14:27 AM</u>	M Wetherell	recalls Daniel Leary FE1118061 -bond- entry of plea - Mike Nelson/Kai Wittwer
<u>9:14:53 AM</u>	M Wetherell	revw plea agreement
<u>9:15:04 AM</u>	Def Counsel	restitution for lab testing
<u>9:15:48 AM</u>	State	State may be seeking withheld judgment -- 100hrs CSA
<u>9:19:21 AM</u>	Defendant	sworn and examined by the Court
<u>9:28:03 AM</u>	M Wetherell	Ct accepts guilty plea -- orders PSI -- 19-2524 substance abuse eval -- sentencing March 29, 2012 at 2:00
<u>9:28:40 AM</u>		End of Case

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>2:08:07 PM</u>		
<u>2:08:07 PM</u>	Ct	Daniel Leary FE1118061 - sentencing - bond -Mike Nelson - James Vavrek
<u>2:09:29 PM</u>		Ct revws file -- def plead guilty -- matter set for sentencing -- commincation from PSI
<u>2:10:02 PM</u>	Def Counsel	addresses the Court re: req to reset sentencing
<u>2:10:37 PM</u>	State	def did not cooperate with PSI process -- req def be taken into custody
<u>2:12:01 PM</u>	Def Counsel	communication problems -- req def not be taken into custody
<u>2:12:29 PM</u>	Ct	inquires of def re: employment w/responses interspersed
<u>2:13:25 PM</u>		admonishes defendant -- matter reset for sentencing April 26, 2012 2:30
<u>2:15:07 PM</u>		End of Case

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>2:33:11 PM</u>		
<u>2:33:11 PM</u>	Carey	Daniel Leary -- FE1118061 - def on bond w/counsel Michael Nelson - sentencing
<u>2:34:06 PM</u>	Def Counsel	def not able to get his 19-2524 substance abuse eval completed
<u>2:35:03 PM</u>	Defendant	addresses the court
<u>2:35:07 PM</u>	State	req def be taken into custody to allow completion of 19-2524 substance abuse evaluation
<u>2:39:29 PM</u>	Carey	Ct revokes bond -- no bond set -- def to remain in custody pending sentencing, if evaluation completed early, Ct may reconsider custody status
<u>2:39:54 PM</u>	Carey	May 17, 2012 at 3:30
<u>2:40:05 PM</u>		End of Case

FILED
P.M.

MAY - 2 2012

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

137
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5/17
330

Curtis D. McKenzie, ISB 5591
cdm@mckenzielawoffices.com
Michael J. Nelson, ISB 8199
mjn@mckenzielawoffices.com
MCKENZIE LAW OFFICES, PLLC
412 W. Franklin St.
Boise, Idaho 83702
(208) 344-4379 (office)
(208) 331-2150 (facsimile)

Attorneys for Daniel Leary

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

v.

DANIEL LEARY,

Defendant.

Case No. CR-FE-2011-0018061

MOTION FOR EARLY RELEASE

Defendant Daniel Leary, by and through counsel of record. Michael Nelson and Curtis D. McKenzie of McKenzie Law Offices, PLLC, respectfully moves this Court to issue an Order for Early Release and to reinstate the Defendant on his previously posted bond.

1. On February 2, 2012, the Defendant pled guilty to Felony Possession of a Controlled Substance. The Court ordered a Pre-Sentence Investigation Report and a Substance Abuse Assessment.
2. On March 29, 2012, the Defendant came before this Court for sentencing. The Court continued Sentencing to April 26, 2012 because the Defendant did not

complete the Pre-Sentence Investigation Interview or the Substance Abuse Assessment. The Defendant remained out of custody.

3. On April 26, 2012, the Defendant came before this Court for the continued Sentencing. The Court continued the Sentencing to May 17, 2012 because the Defendant did not complete the Substance Abuse Assessment. The Defendant's bond was revoked and he was taken into custody. Visiting Senior District Judge Carey indicated that the Court may consider releasing the Defendant upon completion of the Substance Abuse Assessment.
4. On April 30, 2012 the Defendant completed his Substance Abuse Assessment in custody.

Therefore, the Defendant respectfully requests that this Court grant his Motion for Early Release and to reinstate the Defendant on his previously posted bond.

DATED this 2nd day of May, 2012.

MCKENZIE LAW OFFICES, PLLC

By 

Michael Nelson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 2nd day of May, 2012, a true and correct copy of the within and foregoing instrument was served upon:

Ada County Prosecutor's Office
200 West Front Street, Room 3191
Boise, ID 83702

Served by: Facsimile 208-287-7700



Michael Nelson

NO. _____
FILED _____
A.M. _____ P.M. 2:20

MAY 07 2012

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CHRISTOPHER D. RICH, Clerk
By DIANE OATMAN
Deputy

STATE OF IDAHO,

Plaintiff.

vs.

DANIEL W LEARY,

Defendant.

CASE NO: CR-FE-2011-0018061

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Motion for Early Release
Judge:

Thursday, May 10, 2012
Mike Wetherell

10:30 AM

I HEREBY CERTIFY that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Monday, May 07, 2012.

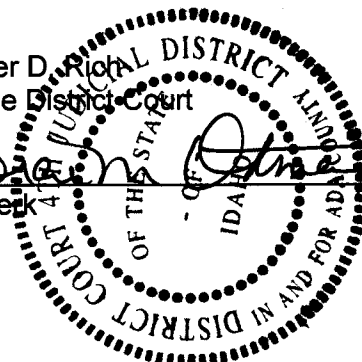
ADA COUNTY PROSECUTING ATTORNEY
INTERDEPARTMENTAL MAIL

MICHAEL NELSON
FAX(208)331-2150

Dated: 5/7/2012

Christopher D. Rich
Clerk of the District Court

By: [Signature]
Deputy Clerk



NOTICE OF HEARING

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Time	Speaker	Note
<u>11:05:17 AM</u>		
<u>11:05:17 AM</u>	M Wetherell	Daniel Leary FE1118061 - custody - motion for early release - Michael Nelson - Kai Wittwer
<u>11:22:44 AM</u>	Def Counsel	motion for early release
<u>11:22:49 AM</u>	State	leaves in Ct's discretion
<u>11:22:56 AM</u>	M Wetherell	Ct denies the motion for early release
<u>11:23:13 AM</u>		End of Case
<u>11:23:13 AM</u>		

Time	Speaker	Note
<u>3:52:34 PM</u>	M Wetherell	Daniel Leary FE1118061 - sentencing - custody - Michael Nelson -- Kai Wittwer
<u>3:55:43 PM</u>	Kai Wittwer	State no longer bound by plea agreement based upon def's failure to comply w/PSI process
<u>3:56:13 PM</u>	State	restitution order -- no objection
<u>3:57:36 PM</u>	M Wetherell	Ct signs order for restitution
<u>3:57:41 PM</u>	State	comments/rec'd 7yrs 2+5, with rider program or in alternative prob w/drug court as cond of prob
<u>4:01:38 PM</u>	Def Counsel	comments/rec'd prob w/drug court
<u>4:06:45 PM</u>	Defendant	addresses the Court
<u>4:06:50 PM</u>	Def Counsel	no legal cause
<u>4:06:52 PM</u>	M Wetherell	7yrs 2 1/2+ 4 1/2 -- CTS 23d -- rider for no greater than 365d -- Ct rec'd programs -- std costs and fees -- rec'd def obtain GED, parenting if time permits -- Ct adv def if successful on rider and placed on prob thereafter completes prob w/no violations, Ct will reduce chrg to misdemeanor
<u>4:12:36 PM</u>	M Wetherell	appeal rights
<u>4:16:24 PM</u>		End of Case

MAY 21 2012

CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. CR-FE-2011-0018061
)	
DANIEL WILLIAM LEARY,	)	JUDGMENT OF CONVICTION
██████████	)	AND ORDER RETAINING
██████████	)	JURISDICTION
)	
Defendant.)	
_____)	

WHEREAS, on this 17th day of May, 2012; this being the time fixed by the Court for pronouncing sentence upon the Defendant, the Court noted the presence of the Deputy Prosecuting Attorney, the Defendant, and Michael Nelson, counsel for the Defendant, in court.

The Defendant was duly informed of the Information filed, and the Defendant having entered a guilty plea on February 2, 2012, to the crime of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c), committed on or about November 12, 2011.

The Defendant and Defendant's counsel were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the Defendant, and if the Defendant, or Defendant's counsel, wished to make a statement on behalf of the Defendant, or to present any information to the Court in mitigation of punishment; and the Court, having accepted such statements, and having found no legal cause or reason why judgment and sentence

should not be pronounced against the Defendant at this time; does render its judgment of conviction as follows, to-wit:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant is guilty of the crime of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c), and that he be sentenced to the custody of the State Board of Correction of the State of Idaho for the term of not to exceed seven (7) years: with the first two and one-half (2½) years of said term to be FIXED, and with the remaining four and one-half (4½) years of said term to be INDETERMINATE. The Defendant shall receive credit for twenty-three (23) days served in pre-judgment incarceration toward the FIXED portion of the term as provided by I.C. § 18-309.

The Court will retain jurisdiction for an indeterminate period of time not to exceed 365 days under I.C. § 19-2601(4). **(ROA-RJNR)** The Court recommends that the Defendant obtain his GED and that he participate in any/all cognitive based programming, substance abuse treatment, anger management, relationship counseling, parenting classes and such other programs as are deemed appropriate following evaluation during the RDU process.

IT IS FURTHER ORDERED that pursuant to I.C. § 31-3201A the Defendant shall pay court costs in the amount of \$17.50; County Administrative Surcharge Fee in the amount of \$10.00 pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$10.00 pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of \$10.00 pursuant to I.C. § 31-3201(5); \$75.00 to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00 for the Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; \$30.00 domestic violence fee; \$10.00 for the drug hotline fee pursuant to I.C. § 37-2735A; and \$100.00 emergency surcharge fee pursuant to I.C. § 31-3201H; lab costs in the amount of \$100.00 pursuant to I.C. § 37-

2732(k), plus interest at the statutory rate of 5.250% per annum until paid in full, to be paid through the Clerk of the District Court. Further, the Defendant shall pay an amount to be determined by the Department of Correction, not to exceed \$100.00, for the cost of conducting the presentence investigation and preparing the presentence investigation report. The amount will be determined by the Department and paid by the Defendant in accordance with the provisions of I.C. § 19-2516.

The Defendant was advised of his rights to an appeal and then remanded to the custody of the Sheriff of Ada County, to be delivered FORTHWITH by him into the custody of the Director of the State Board of Correction of the State of Idaho.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the Defendant.

Upon completion of the Retained Jurisdiction programming, the Defendant shall be transported to the county jail and the Idaho Department of Correction will alert the District Court of the day of transport.

DATED this 17th day of May, 2012.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of May, 20 12, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

MICHAEL J NELSON
ATTORNEY AT LAW
412 W FRANKLIN
BOISE ID 83702

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

PSI DEPT
VIA E-MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk

Ada County Mugshot - Prosecutor's Office



User: PRLANEJR



Photo Taken: 2011-11-12 11:24:00

Name: LEARY, DANIEL W

Case #: CR-FE-2011-0018061

LE Number: 687140

Height: 507

Weight: 150

Drivers License Number:

Drivers License State:

Sex: M Race: W Eye Color: GRN Hair Color: BRO Facial Hair:

Marks: CHEST

Scars:

Tattoos:

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NO. _____ FILED _____
A.M. 8:00 P.M. _____

MAY 21 2012

CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

Greg H. Bower
Ada County Prosecuting Attorney

Kai E. Wittwer
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208)-287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2011-0018061
)	
vs.	)	ORDER FOR RESTITUTION
	)	AND JUDGMENT
Daniel W Leary,)	
)	
Defendant.)	
_____)	

WHEREAS, on the 17th day of May 2012, a Judgment of Conviction was entered against the Defendant Daniel W Leary; and therefore pursuant to Idaho Code §37-2732(k) and based on evidence presented to this Court;

IT IS HEREBY ORDERED, that the Defendant, Daniel W Leary, shall make restitution to the victim(s) and/or law enforcement agency(ies) in the following amounts of:

DRUG ENFORCEMENT DONATION ACCOUNT

\$100.00

TOTAL:

\$100.00

Post judgment interest on said restitution amount will accrue from the date of this Order and Judgment at the rate specified in Idaho Code §28-22-104. *5.250% per annum until paid in full.*

FURTHER, pursuant to I.C. 19-5305 this Order may be recorded as a judgment against the Defendant, Daniel W Leary, and the listed victim(s) may execute as provided by law for civil judgments.

FURTHER, it is the responsibility of the Defendant to notify the Restitution Department (208-287-7700) if at any time a victim collects by means of the civil judgment.

IT IS SO ORDERED.

DATED this 17th day of May 2012.


Judge

BY: DIANE OATMAN
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO

Plaintiff,

vs.

DANIEL W LEARY,
9/23/1990

Defendant.

CASE NO. CR-FE-2011-0018061

ORDER TO TRANSPORT

It appearing that the above-named defendant is in the custody of the Idaho State Board of Correction, and that it is necessary that DANIEL W LEARY be brought before this Court for:

RIDER REVIEW.....Thursday, September 20, 2012 @ 11:00 AM

IT IS THEREFORE ORDERED That the Ada County Sheriff bring the Defendant from the Penitentiary to the Court at said time and on said date;

IT IS FURTHER ORDERED That immediately following said Court appearance the Sheriff return said Defendant to the custody of the Idaho State Penitentiary;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the said Defendant to the Ada County Sheriff for the purpose of the aforementioned appearance and retake him into custody from the Sheriff upon his return to the Penitentiary.

IT IS FURTHER ORDERED That the Clerk of this Court serve a copy hereof upon the Idaho Department of Corrections and the Ada County Sheriff forthwith and certify to the same.

Dated this 10th day of September, 2012.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on 9/10/2012, I Mailed (served) a true and correct copy of the within
instrument to:

DEPARTMENT OF CORRECTION
Central Records
Faxed

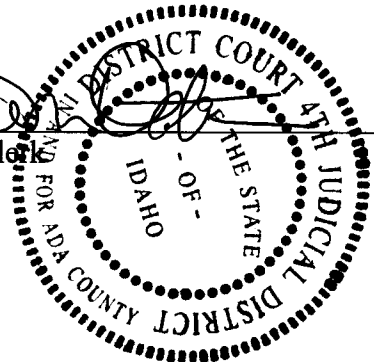
ADA COUNTY JAIL
Transport
Faxed

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

MICHAEL J NELSON
ATTORNEY AT LAW
412 W FRANKLIN
BOISE ID 83702

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk



Time	Speaker	Note
10:58:17 AM	M Wetherell	
10:58:17 AM	M Wetherell	Daniel Leary FE1118061 - rider revw - custody - Michael Nelson - Kai Wittwer
11:02:06 AM	M Wetherell	Ct revws file
11:04:28 AM	State	concurrs w/prob rec'd
11:06:52 AM	Def Counsel	comments -- rec'd prob
11:06:59 AM	Defendant	declines comment
11:07:10 AM	M Wetherell	no legal cause
11:10:03 AM	M Wetherell	2 1/2 + 4 1/2 CTS 149d includes rider time, suspd -- places def on prob
11:19:46 AM	Defendant	understands and accepts terms and cond of probation
11:20:36 AM	M Wetherell	appeal rights
11:20:40 AM		End of Case

Defendant's Name:

Daniel Leary

Case No.

CRF 11 18061

5 years probation - expires

Sept 19, 2017

- ☒ No law violations
- ☒ Supervision /court costs ☐ fine _____ / _____ suspended ☐ restitution \$ _____
 - ☐ PD reimbursement \$ _____
- ☐ _____ days in county jail _____ susp / Credit _____ days, within _____ days, ☐ options
 - ☐ SATP ☐ Brain Building Basics ☐ ABC Program (cognitive self change)
 - ☐ Jail time may be served in _____ County no cost to this county
- ☒ Enroll, meaningfully participate, complete any program specified by PO, which shall include mental health, substance abuse, thinking errors, anger management and vocational rehab.
- ☒ Defendant has completed a rider and shall take part in all progrms recommended
- ☒ Maintain employment, actively seeking employment, or full time student
- ☒ Review for vocational rehabilitation and/or obtain GED or HSE
- ☒ Shall not purchase, carry or possess firearms or other weapons
- ☒ If defendant requests supervision be transferred, documents shall be admissible
- ☒ 90 days discretionary jail time, to be served at PO's request without prior approval
- ☒ 18-2505 Notification re: escape
- ☒ Do not purchase, possess or consume alcohol
- ☒ Do not purchase, possess or use controlled substances, unless specifically prescribed
- ☒ No frequent bars
- ☒ No associations prohibited by PO
- ☒ Submit to tests of blood, breath, saliva, and urine at own expense
- ☒ Submit to polygraph as to compliance with conditions of probation
- ☒ Defendant enroll in subst abuse treatment, include inpatient/No objection to religious based
- ☐ The Court has no objection to the _____ program which the defendant has chosen.
- ☒ Fourth Amendment waiver
- ☒ Fifth Amendment waiver
- ☒ Sixth Amendment waiver
- ☐ Obtain alcohol/substance abuse evaluation and follow recommendations
- ☒ Def has completed substance abuse evaluation/treatment and follow recommendations
- ☐ Do not become intimately involved with anyone under the age of 18 years
- ☐ Complete sex offender treatment including plethysmograph and polygraph examinations
- ☐ Do not become intimately involved with anyone who has female child under 18 residing in home
- ☐ No unsupervised contact with any female under the age of 18
- ☐ No contact with the victim
- ☐ No contact order has been issued. No contact means NO CONTACT.
- ☐ Register with the Sheriff's Office in county of residence and give any address where temporarily or permanently residing
- ☒ 100 hours of community service, and pay 60 cent fee for each hour of service
- ☒ Attend NA/AA meetings
- ☒ Obtain psychological/psychiatric treatment and sign waivers
- ☒ Establish budget with PO, verify income and expenses
- ☐ No checking account or credit cards while on probation ☐ No new indebtedness
- ☐ Advise future employers in writing, including the statement that this is a _____ offense
- ☐ Def's driving privileges suspended – violation will be considered viol of fundamental condition
- ☒ Def final opportunity at prob
- ☒ Time spent on prob not credited
- ☐ Def has received WHJ – viol will revoke
- ☐ Def has had _____ prior DUI offenses
- ☐ DNA Sample
- ☐ Register for Selective Service
- ☒ Defendant will waive extradition if placed outside this state

000063

137

RECEIVED
OCT - 9 2012
ADA COUNTY CLERK

NO. _____ FILED _____
A.M. _____ P.M. 125

SEP 24 2012

CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. CR-FE-2011-0018061
)	
DANIEL WILLIAM LEARY,	)	ORDER SUSPENDING SENTENCE
██████████	)	AND ORDER OF PROBATION
██████████)	
)	
Defendant.)	
_____)	

The Prosecuting Attorney and the Defendant, with counsel, Michael J. Nelson, came into court this 20th day of September 2012.

AND WHEREAS, the Defendant was adjudged guilty in the District Court of the Fourth Judicial District in and for the County of Ada of the crime of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c), and was committed to the custody of the State Board of Correction for a period of seven (7) years, with two and one-half (2½) years of said term to be FIXED, and with the remaining four and one-half (4½) years of said term to be INDETERMINATE;

AND WHEREAS, the Court retained jurisdiction for an indeterminate period of time not to exceed 365 days to suspend execution of judgment pursuant to § 19-2601 (4), of the Idaho Code;

ORDER SUSPENDING SENTENCE AND ORDER OF PROBATION - 1

22

AND WHEREAS, the District Court having ascertained the desirability of suspending execution of the judgment and placing the Defendant on probation;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED That the sentence is hereby suspended and the Defendant be placed on probation for five (5) years, beginning September 20, 2012, upon the following conditions, to-wit:

A. That the probation is granted to and accepted by the Defendant, subject to all its terms and conditions and with the understanding that the Court may at any time, in case of the violation of the terms of the probation, cause the Defendant to be returned to the Court for the imposition of sentence as prescribed by law or any other punishment as the Court may see fit to hand down.

B. That the Defendant shall be under the legal custody and control of the Director of Probation and Parole of the State of Idaho and the District Court with supervised probation and subject to the rules of probation as prescribed by the Board of Correction and the District Court.

C. That during said period of probation the said Defendant shall violate no law or ordinance of the United States or any City, State or County therein, wherein a fine or bond forfeiture of more than \$250.00 or a jail term could have been imposed as a penalty, nor violate any terms of this or any other probation.

D. Special conditions, to wit:

✓ 1. Defendant shall pay all fines, costs and fees previously imposed that have not been paid, and community service fee (\$.60 per hour) as required by I.C. §31-3201C, to be paid through the Clerk of the District Court as arranged through the probation officer.

✓ 2. Defendant shall participate in any and all programs of rehabilitation recommended by his probation officer, including but not limited to programs of mental health, substance abuse, criminal thinking errors, anger management, and vocational rehabilitation as deemed necessary by the probation officer.

✓ 3. Defendant has completed a rider and shall take part in any and all programs recommended in the rider review report.

✓ 4. During the entire term of probation, the Defendant shall maintain steady employment, be actively seeking employment or be enrolled as a full-time student, to the extent he is physically and mentally able to do so.

✓ 5. Defendant shall not purchase, carry or have in his possession any firearm(s) or other weapons. Pocket knives are weapons under this condition.

✓ 6. If the Defendant requests that supervision of probation be transferred to any place other than the Fourth Judicial District (either within or outside Idaho), by doing so, the Defendant agrees that any documents purportedly received from the agency supervising the Defendant shall be admissible into evidence at a probation violation hearing without the state having to show that such evidence is credible and reliable, and the Defendant shall waive any right to confront the author of such documents.

✓ 7. Defendant shall serve an additional ninety (90) days in the Ada County Jail at the discretion of the probation officer, without prior approval of the Court. The probation officer has the discretion and authority to immediately deliver Defendant to the Sheriff for incarceration in the county jail for the purpose of having Defendant serve this discretionary time and the Sheriff shall commit the Defendant to serve this time on request of the probation officer without further order from the Court. The probation officer shall immediately file with the Court a written statement of the reasons Defendant has been placed in custody, for review by the Court. The probation officer shall have all options available including work release and S.L.D., subject to eligibility determined by the Sheriff.

✓ 8. Pursuant to I.C. § 18-2505, the Defendant is advised any failure to return to the custody of the Sheriff when required or intentionally leaving any area to which he is restricted while in any program permitted as an alternative to incarceration, or the removal or disabling of any SCRAM bracelet, GPS tracking or similar device, will be considered an "escape" and may result in a sentence of up to five (5) years in prison to be served consecutively to any sentence already being served or imposed, or a \$50,000.00 fine, or both.

✓ 9. Defendant shall not purchase, possess or consume any alcoholic beverages while on probation.

✓ 10. Defendant shall not purchase, possess or consume any drug or narcotic unless specifically prescribed by a medical doctor.

✓ 11. Defendant shall not frequent establishments where alcohol is the main source of income.

12. Defendant shall not associate with individuals specified by his/her probation officer.

13. Defendant agrees to tests of blood, breath, saliva or urine or other chemical tests for the detection of alcohol and/or drugs at the request of his probation officer or any law enforcement officer, to be administered at Defendant's own expense.

14. Upon request of his probation officer, Defendant agrees to submit to polygraph examinations administered by qualified examiners and limited in scope to those matters which are calculated to determine whether Defendant is complying with the lawful conditions of his/her probation.

15. Defendant shall enroll in, meaningfully participate and complete any substance abuse treatment program, including inpatient treatment, identified by his/her probation officer if deemed necessary. The Court has no objection to a religiously based program so long as it is chosen by the Defendant.

16. Defendant agrees to waive his Fourth Amendment rights applying to search and seizure as provided by the United States Constitution, and to submit to a search by his/her probation officer or any law enforcement officer of his/her person, residence, vehicle or other property upon request. Defendant shall not reside with any person who does not consent to such a search.

17. Defendant shall waive his Fifth Amendment rights to the extent that he must answer truthfully all questions of a probation officer reasonably related to compliance or non-compliance with the conditions of probation.

18. Defendant shall waive his Sixth Amendment rights of confrontation in so far as the State may use reliable hearsay evidence at any probation violation hearing.

19. Defendant has completed a substance abuse evaluation or a treatment program and will follow the recommendations of that evaluation or the follow up treatment recommended by his treatment program.

20. Defendant shall perform one hundred (100) hours of community service and pay any fee required.

21. Defendant is to regularly attend NA/AA meetings or such other programs of counseling as his probation officer may direct if deemed necessary by the probation officer.

22. If deemed necessary by the probation officer, Defendant shall obtain psychological and/or psychiatric treatment with such diagnosis and assessment information being provided to his probation officer. The Defendant shall execute any documents or waivers necessary to comply with this condition.

23. Defendant has had prior opportunities for probation. The Defendant is advised that this is his/her final opportunity at probation. Failure to abide by the conditions of probation resulting in a motion for probation violation will, if proven or admitted, be considered a violation of a fundamental condition of probation which will result either in imposition of a rider of up to 365 days or imposition of the underlying sentence.

24. Defendant is advised that time spent on probation is not credited against any underlying incarceration (jail time or prison) imposed. Defendant is at risk for imposition of the entire underlying sentence with credit for any time served which was not imposed as a condition of probation no matter how long Defendant has been on probation if he violates the terms of probation if the violation should be proved or admitted.

E. That the Defendant, if placed on probation to a destination outside the State of Idaho, or leaves the confines of the State of Idaho with or without permission of the Director of Probation and Parole does hereby waive extradition to the State of Idaho and also agrees that the said Defendant will not contest any effort by any state to return the Defendant to the State of Idaho.

The probation agreement is to be hereto attached and by reference made a part hereof.

This probation shall expire at midnight on September 19, 2017, unless otherwise ordered by the Court.

The Defendant shall receive credit for one hundred forty-nine (149) days served, which includes the time spent on the retained jurisdiction program.

Dated this 20th day of September 2012.


MIKE WETHERELL
District Judge

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.

Dan Leary
Defendant's Signature

10-4-2012
Date of acceptance

WITNESSED:

Dan R.
Probation and Parole Officer
State of Idaho

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of September 2012, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

MICHAEL J. NELSON
MCKENZIE LAW OFFICES, PLLC
412 W. FRANKLIN ST.
BOISE, IDAHO 83702

ADA COUNTY JAIL
VIA E-MAIL

CCD SENTENCING TEAM – DEPT OF CORRECTION
VIA E-MAIL

PROBATION & PAROLE
VIA E-MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk

ORDER SUSPENDING SENTENCE AND ORDER OF PROBATION - 7

000070

DEC - 7 2012

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Kai E. Wittwer
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
DANIEL WILLIAM LEARY,)
)
Defendant.)
_____)

Case No. CR-FE-2011-0018061

**MOTION FOR BENCH
WARRANT FOR
PROBATION VIOLATION**

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Kai E. Wittwer, Deputy Prosecuting Attorney for Ada County,
State of Idaho, being first duly sworn, deposes and says:

That on the 2nd day of February 2012, the said Defendant pled guilty to
POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, and that on the 17th day of

**MOTION FOR BENCH WARRANT FOR
PROBATION VIOLATION (LEARY/CR-FE-2011-0018061), Page 1**

000071

May 2012, this Court retained jurisdiction, and that on the 20th day of September 2012, this Court placed the Defendant on probation for a period of five (5) years.

This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

- ✓ 1. Failing to attend and/or successfully complete New Directions Aftercare as lawfully requested by his supervising officer;
2. Failing to attend and/or successfully complete Recovery 4 Life as lawfully requested by his supervising officer, to-wit: on or about the 9th day of October 2012, the said Defendant was instructed to attend treatment with Recovery 4 Life, without an absence, but the said Defendant has missed several scheduled appointments;
3. Failing to maintain full-time employment, be actively seeking employment or be enrolled as a full time student as lawfully requested by his supervising officer, to-wit: the said Defendant has failed to secure full-time employment as instructed;
- ✓ 4. Using a controlled substance, to-wit: methamphetamine on or about the 1st day of October 2012, per written admission;
- ✓ 5. Using a controlled substance, to-wit: marijuana on or about the 14th day of November 2012, per written admission;
6. Failing to attend one (1) AA/NA meeting per day, obtain a sponsor and provide verification of attendance as lawfully requested by his supervising officer;

7. Failing to abide by the curfew imposed by his probation officer, to-wit: the said Defendant failed to report to his residence by 2100 hours each evening as instructed by his supervising officer;
8. Failing to report to his supervising officer on the date(s) and time(s) specified, to-wit: the said Defendant failed to contact his supervising officer by phone on a daily basis as instructed;
9. Failing to obtain permission from his supervising officer before changing residence, to-wit: on or about the 4th day of December 2012, the said Defendant's father reported that the said Defendant failed to report to the residence for approximately four (4) days;
- ✓10. Absconding from supervision;
11. Failing to pay fines, fees, funds, surcharges and/or costs as ordered by the Court, and by;
12. Failing to pay restitution as ordered by the Court (please see attached computer printout).

WHEREFORE, your affiant prays for an Order of this Court directing the Clerk of the Court to issue a Bench Warrant for the arrest of the Defendant requiring that he be arrested and brought before this Court on the arraignment day next following his arrest, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

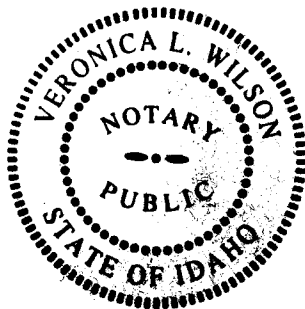
GREG H. BOWER

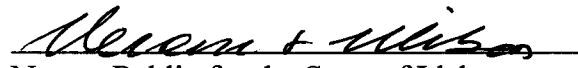
Ada County Prosecuting Attorney



By: Kai E. Wittwer
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 7th day of December 2012.




Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 12-16-2015

IDAHO DEPARTMENT OF CORRECTION
DIVISION OF COMMUNITY CORRECTIONS
Probation and Parole, District 4
8752 W. Fairview Ave.
Boise, Idaho 83704
(208) 327-7008

REPORT OF PROBATION VIOLATION

RECEIVED
DEC - 7 2012
ADA COUNTY CLERK

DATE: December 5, 2012

TO: The Honorable Judge Mike Wetherell
Judge, Fourth District Court
Ada County Courthouse
Boise, Idaho 83702

NAME: LEARY, Daniel

COURT CASE: CR-FE-2011-0018061

ADDRESS: UNKNOWN

OFFENSE: POSSESSION OF A CONTROLLED SUBSTANCE

DATE OF SENTENCE: September 20, 2012

SENTENCE: Five (5) Years

DATE OF PROBATION: September 20, 2012

COUNTY: Ada

JUDICIAL DISTRICT: Fourth

RULE VIOLATED:

COURT ORDER SPECIAL CONDITION (2) which states: "Defendant shall participate in any and all programs of rehabilitation recommended by his probation officer, including but not limited to programs of mental health, substance abuse, criminal thinking errors, anger management, and vocational rehabilitation as deemed necessary by the probation officer."

COURT ORDER SPECIAL CONDITION (2) was violated in that:

1). On October 4, 2012, the defendant was instructed to contact Drug and Alcohol Rehabilitation Counselor Ron Tatom in order to enroll in New Direction Aftercare. To date, the defendant has failed to follow this instruction.

2). On October 9, 2012, the defendant was instructed to attend treatment with Recovery 4 Life, without an absence unless otherwise approved. To date, the defendant has failed to follow this instruction and has missed several scheduled appointments.

REPORT OF PROBATION VIOLATION

RE: LEARY, Daniel

DATE: December 5, 2012

IDOC #: 103223

Page 2

COURT ORDER SPECIAL CONDITION (4) which states: "During the entire term of probation, the Defendant shall maintain steady employment, be actively seeking employment or be enrolled as a full-time student, to the extent he is physically and mentally able to do so."

COURT ORDER SPECIAL CONDITION (4) was violated in that:

1). On October 4, 2012, the defendant was instructed to secure full-time employment. To date, the defendant has failed to follow this instruction.

COURT ORDER SPECIAL CONDITION (10) which states: "Defendant shall not purchase, possess or consume any drug or narcotic unless specifically prescribed by a medical doctor."

COURT ORDER SPECIAL CONDITION (10) was violated in that:

1). On October 4, 2012, the defendant verbally admitted to, and signed an Admission of Substance Abuse form, indicating using the illegal substance of Methamphetamine on or about October 1, 2012. (See attachment).

2). On November 29, 2012, the defendant verbally admitted to, and signed an Admission of Substance Abuse form, indicating using the illegal substance of Marijuana on or about November 14, 2012. (See attachment).

COURT ORDER SPECIAL CONDITION (15) which states: "Defendant shall enroll in, meaningfully participate and complete any substance abuse treatment program, including inpatient treatment, identified by his/her probation officer if deemed necessary. The Court has no objection to a religiously based program so long as it is chosen by the Defendant."

COURT ORDER SPECIAL CONDITION (15) was violated in that:

1). On October 4, 2012, the defendant was instructed to contact Drug and Alcohol Rehabilitation Counselor Ron Tatom in order to enroll in New Direction Aftercare. To date, the defendant has failed to follow this instruction.

2). On October 9, 2012, the defendant was instructed to attend treatment with Recovery 4 Life, without an absence unless otherwise approved. To date, the defendant has failed to follow this instruction and has missed several scheduled appointments.

COURT ORDER SPECIAL CONDITION (21) which states: "Defendant is to regularly attend NAAA meetings or such other programs of counseling as his probation officer may direct if deemed necessary by the probation officer."

COURT ORDER SPECIAL CONDITION (21) was violated in that:

1). On October 4, 2012, the defendant was instructed to attend at least one (1) Narcotics Anonymous meeting per day, obtain a sponsor and submit completed verification to this supervising officer. To date, the defendant has failed to follow this instruction.

AGREEMENT OF SUPERVISION CONDITION (17) which states: "Absconding Supervision: The defendant will not leave or attempt to leave the state or the assigned district in an effort to abscond or flee supervision. The defendant will make himself/herself available for supervision and program participation as instructed by the probation officer and will not actively avoid supervision."

AGREEMENT OF SUPERVISION CONDITION (17) was violated in that:

1). On November 29, 2012, the defendant was instructed to report to his residence at 2100 hours each evening. In addition, the defendant was instructed to contact this supervising officer by phone, on a daily basis. To date, the defendant has failed to follow this instruction.

2). On December 4, 2012, the defendant's father contacted this supervising officer and reported that the defendant failed to report to the residence for approximately four (4) days. To date, the defendant's whereabouts are unknown. The defendant has a 9pm curfew. Several messages have been left with parents to have the defendant call me as soon as he received the messages. As of today's date, the defendant has failed to return my calls.

INTERMEDIATE SANCTIONS

Due to the defendant's unknown whereabouts, no intermediate sanctions have been imposed at this time.

SUPERVISION HISTORY

RESIDENCE HISTORY

The defendant had absconded from supervision and his whereabouts are unknown at this time. Previously, the defendant resided with his parents at the following address:

1). 1695 Cleveland Street in Boise, Idaho 83705.

EMPLOYMENT and EDUCATION

The defendant is currently unemployed.

RELATIONSHIPS and FAMILY

The defendant has not provided any information to indicate being engaged in any type of relationship.

REPORT OF PROBATION VIOLATION
RE: LEARY, Daniel
DATE: December 5, 2012
IDOC #: 103223

Page 4

PHYSICAL/MENTAL HEALTH

The defendant has not reported any current medical or mental health issues.

SUBSTANCE ABUSE

The defendant has a history of Methamphetamine use and recently tested positive for both Methamphetamine and Marijuana.

On December 5, 2012, this supervising officer received an anonymous tip stating the defendant was seen in Garden City, Idaho while under the influence.

RECOMMENDATION

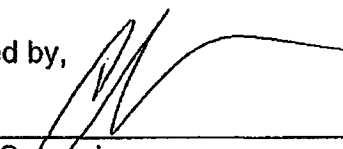
Due to the recent information received and the concern for the defendant's well-being, I respectfully request that a **BENCH WARRANT** be issued for DANIEL LEARY so the defendant will be required to answer to the Court for his actions.

Respectfully submitted,



Sr. Probation and Parole Officer
Community Corrections, District 4

Approved by,



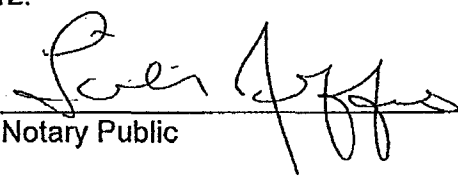
Section Supervisor
Community Corrections, District 4

THE ABOVE DOCUMENTED INFORMATION, WHICH IS IN WRITING, IS KNOWN BY ME TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

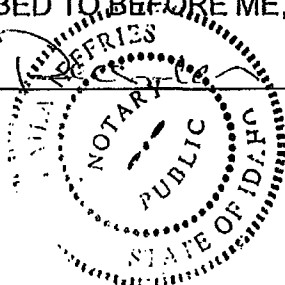


Probation Officer

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF IDAHO, ON THIS 5th DAY OF December, 2012.



Notary Public



000078
PV: 000004

REPORT OF PROBATION VIOLATION
RE: LEARY, Daniel
DATE: December 5, 2012
IDOC #: 103223

Page 5

Residing at Bowie, Idaho

My commission expires 6-10-15



IDAHO DEPARTMENT OF CORRECTION

C.L. "BUTCH" OTTER
GOVERNOR

BRENT REINKE
DIRECTOR

ADMISSION OF SUBSTANCE ABUSE

I, Daniel Leary, do hereby admit that I used Meth
_____ on or about 10-1-12

I understand when I sign this document that it may be used in a Report of Violation, which may be submitted to the District Court or the Parole Commission.

Dan Leary
Signature of Probationer/Parolee

10-4-12
Date

[Signature]
Sr. Probation/Parole Officer
District 4

10/4/12
Date



IDAHO DEPARTMENT OF CORRECTION

C.L. "BUTCH" OTTER
GOVERNOR

BRENT REINKE
DIRECTOR

ADMISSION OF SUBSTANCE ABUSE

I, Daniel Leary, do hereby admit that I used Pot
on or about 11-14

I understand when I sign this document that it may be used in a Report of Violation, which may be submitted to the District Court or the Parole Commission.

Dan Leary
Signature of Probationer/Parolee

11-29
Date

[Signature]
Sr. Probation/Parole Officer
District 4

11/29/12
Date

	Type	Amount	Entered		Approved
Leary, Daniel W					
137-2732C {F}					
Fine	Original	0.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	0.00			
POST Fee	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Victim Comp. - Felony	Original	75.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	75.00			
Administrative Surcharge - Misd/Fel	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
ISTARS Tech Fund	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Court Costs - Misd/Fel	Original	17.50	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	17.50			
Peace Officer and Detention Officer Temporary Disability Fee	Original	3.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	3.00			
Domestic Violence / Substance Abuse Fee	Original	30.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	30.00			
Emergency Surcharge - Felony	Original	100.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	100.00			
Drug Violations Hotline Fee	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Community Service Insurance	Original	60.00	9/20/2012	DCOATMAD	
	Item total:	60.00			
	Charge amount due:	325.50			

Date: 12/6/2012

Fourth Judicial District Court - Ada County

User: PRWILSVL

Time: 08:17 AM

Ledger

Page 2 of 2

For Case CR-FE-2011-0018061

Type

Amount Entered

Approved

Leary, Daniel W

Restitution

DRUG ENFORCEMENT DONATION	Original	100.00	5/17/2012	DCOATMAD	
DRUG ENFORCEMENT DONATION	Adjustment	1.08	7/2/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	8/1/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	9/4/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	10/1/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	11/1/2012	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	12/3/2012	TCPACKCF	BatchRun
				Victim Restitution Interest Applied	

Item total: 103.29

Total Amount Due: 428.79

000083
PV: 000009

Search details:

[New Search] [Result Summary]

DANIEL WILLIAM LEARY #103223

Status: Probation/Parole

Supervising District: DISTRICT 4 FAIRVIEW OFFICE

Phone Number: 208-327-7008

Supervising Officer: PALMER, DANI

IDOC Sentence Information

The sentence information shown is for active sentences under the jurisdiction, custody, and/or supervision of the Idaho Department of Correction only.

Offense	Sentencing County	Case No.	Sentence Satisfaction Date
POSSESSION OF A CONTROLLED SUBSTANCE	ADA	CR11- 18061	09/19/2017

The Idaho Department of Correction updates this information regularly, to ensure that it is complete and accurate; however, this information can change quickly. Therefore, the information on this site may not reflect the true content, location, status, scheduled termination date, or other information regarding an offender.

More Information:

This offender search service is designed to provide basic information about an offender. If you need additional basic offender record information, contact Inquire@idoc.idaho.gov.

Formal requests for copies of records should be mailed to:

Records Bureau
Idaho Department of Correction
1299 N. Orchard Street, Suite 110
Boise, ID 83706

If you want to learn more about parole procedures, or need specific information about a parole eligibility date, tentative parole date and/or hearing results, please contact the Idaho Commission of Pardons & Parole.

For information on Idaho Department of Correction visitation, please go to:
www.idoc.idaho.gov/content/prisons/visiting

For information on Idaho Department of Correction mail regulations, please go to:
www.idoc.idaho.gov/content/prisons/offender_services/mail_rules

DEC 07 2012

CHRISTOPHER D. RICH, Clerk
By JEANNE TURNER
DEPUTY

RECEIVED
DEC - 7 2012
ADA COUNTY CLERK

GREG H. BOWER
Ada County Prosecuting Attorney

Kai E. Wittwer
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2011-0018061
)	
vs.	)	ORDER FOR BENCH WARRANT FOR
	)	PROBATION VIOLATION
DANIEL WILLIAM LEARY,)	
)	
Defendant.)	
_____)	

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of the Court issue a Bench Warrant for the arrest of the Defendant requiring that he be arrested at any time during the day or night and brought before this Court on the arraignment day next following his arrest.

It is further ordered that the above-named Defendant shall remain on active probationary status and be subject to all requirements of his probation order during the pendency of these

**ORDER FOR BENCH WARRANT FOR
PROBATION VIOLATION (LEARY/CR-FE-2011-0018061), Page 1**

000085

proceedings, unless the Defendant meets the criteria for absconding. ^{No} Bond is set at \$ _____
_____ pending arraignment on the Bench Warrant.

DATED this 7 day of December 2012.


Judge

BOND SET AT:

\$ Cash/Surety
\$ Cash
\$ Surety

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. FE 11-18061

CLERK H. Manley

DATE 12/10/2012 TIME 1139

CASE ID. Steckel 121012 BEG. 113954

COURTROOM 204 END 114013

^{vs.} Daniel W. Leary

PROSECUTOR D. Varie

COMPLAINING WITNESS _____

JUDGE

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> BEREZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input checked="" type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |

☐ _____
☐ _____

STATUS

- ☒ STATE SWORN
☒ PC FOUND
☐ COMPLAINT SIGNED
☐ AMENDED COMPLAINT SIGNED
☐ AFFIDAVIT SIGNED
☒ JUDICIAL NOTICE TAKEN
☐ NO PC FOUND
☐ EXONERATE BOND
☐ SUMMONS TO BE ISSUED
☐ WARRANT ISSUED
☐ BOND SET \$ _____
☐ NO CONTACT

D.R. # _____
☐ DISMISS CASE
☒ IN CUSTODY

COMMENTS

☒ AGENT'S WARRANT Judge Wetherell 12/20/12 e 9

☐ RULE 5(B) _____

☐ FUGITIVE _____

☐ MOTION & ORDER TO CONSOLIDATE _____

ADA COUNTY MAGISTRATE MINUTES

SCHEDULED EVENT: VA JUDGE: Gardunia CLERK: Sean M.

DATE: 12/10/12 TIME: 1:30 COURT REPORTER: _____

TAPE NO: _____ PR/AGY: ADA PROS: D PETERSON
P.D./ATTORNEY C GRAY

Leary, Daniel FE-11-18061 SSN _____ DOB _____

1
3
5

2
4
6

Agent

24944 Case Called Def: ☒ Present ☐ Not Pres. ☒ In Custody
☒ Advised of Rights ☐ Waived Rts ☒ PD Appointed ☐ Waived Atty
☐ Guilty Plea/PV Admit ☐ N/G Plea ☐ Advise Subsq Penalty
☒ Bond \$ HOLD w/OUT ☐ ROR ☐ Pay/Stay ☐ Payment Agr

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*

* Finish () Release Defendant

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

LEARY, Daniel

Dated this 7th day of December, 2012.

[Signature]
Sr. Probation and Parole Officer

SUBSCRIBED AND SWORN to before me this 7th day of December 2012.

Carolyn Tschirgi
Notary Public

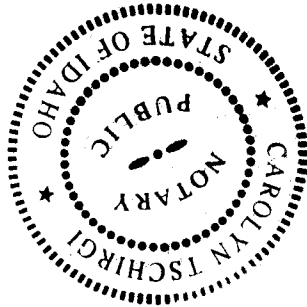
Residing at Mendota Idaho

My commission expires 6-9-2015

Bond is set at \$ _____ pending arraignment.

DATED this _____ day of _____, 2012.

Honorable _____, Fourth Judicial District Judge





IDAHO DEPARTMENT OF CORRECTION
Community Corrections

AGENT'S WARRANT OF ARREST

TO: All CHIEFS of POLICE, SHERIFFS, MARSHALS, CONSTABLES, and PEACE OFFICERS of the STATE of IDAHO.

In accordance with Title 20-227 and 20-301 of the Idaho Code, you are hereby commanded to take or retake into custody during the day or night, and detain

Name: LEARY, Daniel IDOC # 103223

County of Ada Court Case No. CR2011-18061

For the underlying offense(s) of POSSESSION OF A CONTROLLED SUBSTANCE

Who is alleged to have violated the Conditions of:

(X) PROBATION as granted by the ADA COUNTY COURTHOUSE

on the 20TH day of September, 2012 at the City of Boise, County of Ada

This warrant shall be sufficient to detain a probationer until they are brought before the Court for arraignment. Parolees shall be held without bond. This Warrant shall be valid until such time as it is replaced by a Bench Warrant, Parole Commission Warrant, or is withdrawn by the Department of Correction.

Dated at Boise (City), Idaho in Ada County this 7th day of December, 2012

- Alleged Violations
1. Methamphetamine use
 2. Marijuana use
 3. Failure to attend treatment as instructed
 4. Absconding supervision

Dani Palmer

Sr. Probation/Parole Officer for
The State of Idaho

I have been given notice for the reason(s) I am in custody. Dan Leary 12/7/2012/12:07
(Signature of Offender) (Date/Time)

PAROLEES ONLY:

I understand I have a right to a preliminary hearing within 5 business days of my incarceration.

- ☒ I do not wish to have a preliminary hearing. (Initials of the Offender)
☐ I wish to have the preliminary hearing. (Initials of the Offender)
☐ Parolee not eligible due to absconding or misdemeanor or felony conviction

RECEIPT OF WARRANT

I HEREBY CERTIFY, that I received this Warrant on the 7 day of DEC, 2012

Officer [Signature] Agency Ada County Sheriff's Department ACSO 4698

Ht	5'8"	Wt	175	Hair	Brown	Eyes	Green
				RACE	White	Sex	Male

ARRESTED
ADA COUNTY SHERIFF

Distribution PAROLE: Original-Parole Commission, Copy-Offender, Copy-Jail; Copy-IDOC File
Distribution PROBATION: Original - Jail, Copy - Offender, Copy - IDOC File

000091



Ada County Sheriff's Office

Page 1 of 1
Printed - 12/07/2012
Printed by - SO5352

Jail Booking Sheet

Booking ID: 100544941



LE #: 687140



Name: LEARY DANIEL W

Age: 22

Address: 1695 CLEVELAND ST

BOISE, ID 83705 Ph. (208) 713-2011

Marital Status: S

Education: GED

Sex: M Race: W Ht: 5'07" Wt: 150 Eyes: GRN Hair: BRO POB: Belflower, CA

Marks: TAT CHEST, WRD, PAIN IS LOVE; TAT BACK, CRS; TAT UL ARM, NAM, ALISHIA RAE LEARY

Alias:

Emp:

Notify: RUTH LEARY

Rel: Parent

Ph: (208) 713-2011 - C

Date-in: 12/07/2012 Time-in: 12:11:19 ADA JAIL / CCU / 1E

Prop Box: 801

PCN#: 1110173133

Booked by: 4698

Comments:

* * * * *

VISUAL ARREST

DR: ADA 00-000000

Booked by: 4698

Case: Def: Cnt: ISTARs Case: CR-FE-2011-0018061 Def: Cnt:

Arrest Date/Time: 12/07/2012 11:49:00 Release Date/Time:

Citation:

Location: P&P FAIRVIEW

Officer: A 4698

Municipality: ADA COUNTY

Pros. Agency: Ada County

Visual: LE-126-A {F} AGENTS WARRANT--PROBATION VIOLATION

Video Arraignment Date: 12/10/2012 Time: 13:30:00

Initial Bond: Bond Amt: \$ 0.00

Type:

Paid By/Agy:

000092

CB
5352

 ADA COUNTY SHERIFFS OFFICE		ADA COUNTY JAIL ARRESTING OFFICERS FORM		Arresting Agency - <u>ACSO</u>		Location(s)
		LE# <u>687140</u>	Housing - General Pop. CCU - <input type="checkbox"/>	Photo Only <input checked="" type="checkbox"/>		
Received Date / Time <u>12/7/12</u> <u>1210</u>		Vehicle Towed YES NO		# of Tattoos - <u>ON file</u>		
Arrestee Information (To be completed by ARRESTING / TRANSPORTING OFFICER)						
Name (Last, First, Middle)		Social Security #		Date of Birth (DOB)		Victim Notification:
<u>LEARY, DANIEL</u>		<u>510-45-8407</u>		<u>9/23/90</u>		YES / NO <input checked="" type="radio"/>
Is Arrestee a U.S. Citizen?		IF NO, what is arrestee's country of citizenship?				
YES <input checked="" type="radio"/> NO <input type="radio"/>						
Does the Arrestee speak English?		IF NO, what is his / her primary language?				
YES <input checked="" type="radio"/> NO <input type="radio"/>						
Arresting Officer Questionnaire:						
				Response		
1)	Are you aware of this arrestee's consumption of alcohol, drugs or any other substance, or any behaviors that indicate the arrestee may have ingested something to hide it (if you found drugs on this person during a search please indicate it here)?			YES / NO <input checked="" type="radio"/>		BAC
2)	Has the arrestee made any comments (e.g. "I'm going to kill myself"; "I want to die"; "I have nothing to live for"; "Everyone would be better off without me around") or engaged in any behavior that would suggest they have thoughts of hurting themselves?			YES / NO <input checked="" type="radio"/>		
3)	Has another individual with knowledge of the arrestee informed you, and/or made comments, that suggest the arrestee is potentially suicidal and/or has a history of suicidal behavior, mental illness, or medical problems?			YES / NO <input checked="" type="radio"/>		
4)	Are you aware of any serious injuries that were sustained or of the need for medical treatment (if the arrestee was involved in a fight, vehicle accident, had force used upon, tased, OC sprayed, or another incident indicate it here)?			YES / NO <input checked="" type="radio"/>		
5)	Did the arrestee indicate they were taking medications, or were medications found on their person, in the car they were in, or the location of arrest? If so, what were those medications and are they available for the arrestee's use?			YES / NO <input checked="" type="radio"/>		
Additional comments or information:						
By signing below, I confirm that I have reported all available medical information concerning this arrestee to the Ada County Jail.						
Arresting Officer Signature <u>Dan P. O.</u>				Badge # <u>4009</u>		
Charge Information:						
Date / Time of Arrest		Location of Arrest		City	Agency	Arresting / Transporting Officer
<u>12/12/11 4:49 AM</u>		<u>PAT FAIRVIEW AVE. BOISE ID</u>		<u>BOISE</u>	<u>4009</u>	<u>D. P. O. / S. HURST</u>
NOTICE: The exact charge and code must be known before the defendant can be booked. Drug charges must include exact drug, charge, code and sub-section. The defendant will not be accepted until you have completed this form properly. INTAKES WITH .29 BAC OR MORE REQUIRE HOSPITAL CLEARANCE.						
ARREST CHARGE	STATUS / SUB CODE	F/M	WARRANT / CASE NUMBER	DR NUMBER	CITATION NUMBER	
<u>AW</u>	<u>LE 1200</u>	<u>F</u>	<u>CP2011-18061</u>			

White - Inmate Records

Yellow - Prosecutor's Office

Pink - Health Services

(Rev. 02/2011)

000093

Arresting Officer's Form

DEC 10 2012

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Douglas R. Varie
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2011-0018061
)	
vs.	)	AFFIDAVIT OF PROBABLE
	)	CAUSE TO HOLD
DANIEL W LEARY,	)	PROBATIONER ON AGENT'S
	)	WARRANT
Defendant.)	
_____)	

Douglas R. Varie, being first duly sworn, deposes and says that DANIEL W LEARY is on probation for a felony charge in the State of Idaho. That an Agent's Warrant has been issued by DANI PALMER, who is a probation officer for the Idaho Department of Corrections which is responsible to supervise this probationer. That said Defendant has been arrested in Ada County, Idaho on the Agent's Warrant and is now before this court.

AFFIDAVIT OF PROBABLE CAUSE TO HOLD
PROBATIONER ON AGENT'S WARRANT (LEARY), Page 1

000094

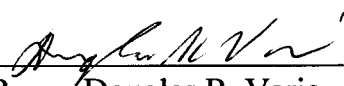
5m

That said Defendant is the same person named in the above-mentioned warrant of arrest. Probable Cause to establish this belief is based upon the attached Agent's Warrant.

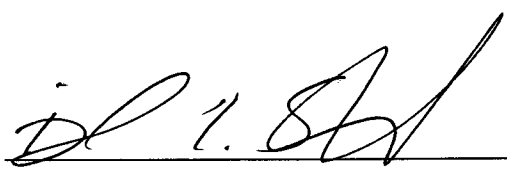
Wherefore, it is requested that DANIEL W LEARY be committed to the custody of the Sheriff of Ada County, to be held with bail set by the assigned District Court Judge and that an arraignment be set in the District Court.

DATED this 10th day of December 2012.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Douglas R. Varie
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 10th day of December 2012.



NO. _____
A.M. _____ P.M. 2:54

DEC 10 2012

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

STATE OF IDAHO,
Plaintiff.

vs.

Daniel W Leary
1695 Cleveland St
Boise, ID 83705
Defendant.

)
)
) Case No: CR-FE-2011-0018061

) **NOTICE OF APPOINTMENT OF PUBLIC DEFENDER**
) **AND SETTING CASE FOR HEARING**

) ☐ Ada ☐ Boise ☐ Eagle ☐ Garden City ☐ Meridian
)

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Probation Violation Arraignment....Thursday, December 20, 201209:00 AM
Judge: Mike Wetherell

BOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE **PERSONALLY PRESENT** AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A **BENCH WARRANT** FOR THE DEFENDANT'S **ARREST**.

I hereby certify that copies of this Notice were served as follows on this date Monday, December 10, 2012.

Defendant: Mailed _____ Hand Delivered _____ Signature _____
Clerk / date _____ Phone () _____

Prosecutor: Interdepartmental Mail _____

Public Defender: Interdepartmental Mail _____

Deputy Clerk

DEC 10 2012

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Douglas R. Varie

Deputy Prosecuting Attorney

200 W. Front Street, Room 366

Boise, Idaho 83702

Phone: 287-7700

Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DANIEL W LEARY,

Defendant.

Case No. CR-FE-2011-0018061

**ORDER ON PROBATIONER
ARREST ON AGENT'S
WARRANT**

Douglas R. Varie, having appeared before the Court this date, pursuant to arrest by the Ada County Sheriff's Office, in Ada County, Idaho. Defendant was informed in conformance with Administrative Order of the probation violation allegations against him/her, that he/she is not required to make a statement, and that any statement made by him/her may be used against him/her, of his/her right to counsel as provided by law, and of

ORDER ON PROBATIONER ARREST ON AGENT'S WARRANT (LEARY), Page

his/her rights to rebut the allegations, to present and confront witnesses and to present evidence all in District Court.

IT IS ORDERED AND THIS DOES ORDER that bond in this matter is set

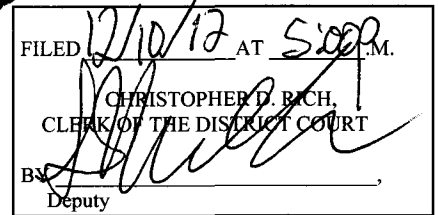
_____.

IT IS ORDERED AND THIS DOES ORDER that the defendant appear in Judge Wetherell Court on the 20th day of Dec 2012 at the hour of 9:00am

DATED this 10th day of December 2012.



MAGISTRATE



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY

STATE OF IDAHO,)
)
) Plaintiff,)
)
) vs.)
)
) Leary)
) Defendant.)
)
) SSN: XXX-XX-)

CASE NO. FE-11-18061
NOTIFICATION OF CONSEQUENCES AND
PENALTIES FOR ESCAPE PURSUANT TO
I.C. §§ 18-2505, 2506

TO: THE ABOVE-NAMED DEFENDANT, YOU ARE HEREBY NOTIFIED AS FOLLOWS:

I.C. § 18-2505 (1) Every prisoner charged with, convicted of, or on probation for a **felony** who is confined in any correctional facility, as defined in section 18-101A, Idaho Code, including any private correctional facility, or who while outside the walls of such correctional facility in the proper custody of any officer or person, or while in any factory, farm or other place without the walls of such correctional facility, who escapes or attempts to escape from such officer or person, or from such correctional facility, or from such factory, farm or other place without the walls of such correctional facility, shall be guilty of a **felony**, and upon conviction thereof, any such second term of imprisonment shall commence at the time he would otherwise have been discharged. **A felony is punishable by fine not exceeding fifty thousand dollars (\$50,000.00) or imprisonment in the state prison not to exceed five (5) years or both.**

I.C. § 18-2506 (1)(a) Every prisoner charged with or convicted of a **misdemeanor** who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a **misdemeanor**. **A misdemeanor is punishable by fine not exceeding \$1000.00 or by imprisonment in the county jail not to exceed one (1) year or both.**

(b) In cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was perpetrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a **felony**.

Escape shall be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care.

I ACKNOWLEDGE RECEIPT OF THIS WRITTEN NOTICE.

Emil Hay
DEFENDANT

12-10-12
DATE

SM

137
PV
12/20
9A

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1030 FILED
A.M. P.M.

DEC 13 2012

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff

vs.

DANIEL W LEARY,
Defendant.

Case No. CR-FE-2011-0018061

MOTION FOR BOND REDUCTION

COMES NOW, DANIEL W LEARY, the above-named defendant, by and through counsel DANICA M. COMSTOCK, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Thursday, December 13, 2012.

Danica Comstock

DANICA M. COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, December 13, 2012, I mailed a true and correct copy of the within instrument to:

KAI E. WITTWER
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

Quinn Harris

MOTION FOR BOND REDUCTION

000100

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 10:30 FILED
A.M. 10:30 P.M. 10:30

DEC 13 2012

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

DANIEL W LEARY,

Defendant.

Case No. CR-FE-2011-0018061

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to KAI E. WITTWER:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Thursday, December 20, 2012, at the hour of 09:00 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Thursday, December 13, 2012.

Danica Comstock

DANICA M. COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, December 13, 2012, I mailed a true and correct copy of the within instrument to:

KAI E. WITTWER
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

[Signature]

NOTICE OF HEARING

000101

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 10:30 FILED
A.M. 10:30 P.M.

DEC 13 2012

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

DANIEL W LEARY,

Defendant.

Case No. CR-FE-2011-0018061

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Thursday, December 13, 2012.



DANICA M. COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, December 13, 2012, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>11:45:15 AM</u>		
<u>11:45:15 AM</u>	M Wetherell	Daniel W Leary - FE1118061 - PV arrg - custody - Danica Comstock/Nick Wollen
<u>11:45:35 AM</u>	M Wetherell	Ct arrgs on PV
<u>11:50:53 AM</u>	Public Defender	reqt two weeks
<u>11:51:00 AM</u>	M Wetherell	Jan 3, 2013 at 9:00 admit/deny
<u>11:51:08 AM</u>	State	Provides Ct with warrant to be returned and quashed
<u>11:52:23 AM</u>		End of Case

DR# 11-127445

NO. 1152
A.M. 11:52

DEC 20 2012

CHRISTOPHER D. FISH, Clerk
By [Signature]
Deputy

GREG H. BOWER
Ada County Prosecuting Attorney

Kai E. Wittwer
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DANIEL WILLIAM LEARY,

Defendant.

) **CR FE-2011-0018061.01.01**

) **Case No. CR-FE-2011-0018061**

) **BENCH WARRANT FOR**
) **PROBATION VIOLATION**

TO ANY SHERIFF, CONSTABLE OR PEACE OFFICER OF THE STATE OF IDAHO:

YOU ARE HEREBY COMMANDED forthwith, to arrest the defendant and probationer at any time during the day or night and deliver him into the custody of the Sheriff of Ada County, Idaho, at the County Jail; the Defendant and Probationer to be brought before this Court on the next regular arraignment day of the Court following his arrest and delivery to the Ada County Jail, then and there to show cause, if any, why the

BENCH WARRANT FOR PROBATION VIOLATION
(LEARY/CR-FE-2011-0018061), Page 1

000105

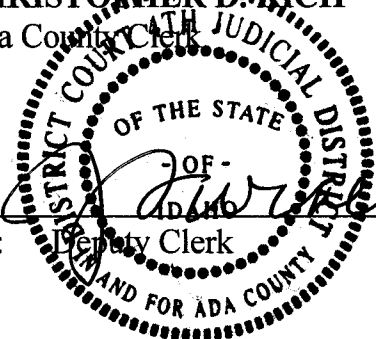
probation and withheld sentence heretofore granted him in the above-entitled cause should not be revoked and sentence imposed according to law, it appearing to this Court that the Defendant, a probationer under the jurisdiction of this Court, has violated the terms and conditions of said Judgment and Order and Agreement of Probation.

DATED this 7 day of December 2012.

CHRISTOPHER D. RICH

Ada County Clerk

By: 
Deputy Clerk



BOND SET AT:

\$ NO BOND Cash/Surety

\$ NO BOND Cash

\$ NO BOND Surety

Pending arraignment on the Bench Warrant by Judge

Isa Wetherell

Time	Speaker	Note
<u>10:07:18 AM</u>		
<u>10:07:18 AM</u>	M Wetherell	Daniel Leary - FE11180-61 - PV admit./deny - custody - Tony Geddes/Kai Wittwer
<u>10:08:17 AM</u>	Public Defender	admit alleg 1, 4, 5 and 10 -- bal dism'd -- reqt updated PSI with 19-2524 substance abuse eval -- counsel agree def should be placed on a rider -- but counsel will argue as to which rider program
<u>10:10:58 AM</u>	M Wetherell	Discussion re: prev PSI done in April 2012 -- as well as substance abuse eval
<u>10:11:21 AM</u>	M Wetherell	Ct will not order updated PSI
<u>10:14:36 AM</u>	State	Reserves the right to argue all facts
<u>10:21:06 AM</u>	Defendant	sworn and examined by the Court
<u>10:21:13 AM</u>	M Wetherell	Ct accepts admissions -- PV dispo Jan 17, 2013 at 2:30
<u>10:22:43 AM</u>		End of Case

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>2:18:57 PM</u>		
<u>2:18:57 PM</u>	M Wetherell	Daniel Leary Fe1118061 - PV dispo - custody - Danica Comstock/Kai Wittwer
<u>2:19:20 PM</u>	M Wetherell	Ct revws file
<u>2:22:07 PM</u>	Public Defender	correction to PSI
<u>2:24:17 PM</u>	State	State rec'd revoke, impose, place def on rider
<u>2:28:41 PM</u>	Public Defender	comments/rec'd rider program or in the alternative reduction of sentence
<u>2:31:38 PM</u>	Defendant	addresses the Court
<u>2:36:04 PM</u>	M Wetherell	7yrs 2 1/2 + 4 1/2 CTS 214d, imposed -- Ct retains jurisdiction no greater than 365d -- notes earlier rider -- rec'd therapeutic community rider
<u>2:37:17 PM</u>	M Wetherell	appeal rights

JAN 18 2013

CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2011-0018061
)	
vs.	)	ORDER OF REVOCATION OF
	)	PROBATION, IMPOSITION OF
DANIEL WILLIAM LEARY,	)	SENTENCE AND ORDER
[REDACTED]	)	RETAINING JURISDICTION
[REDACTED])	
)	
Defendant.)	
_____)	

WHEREAS, on January 17, 2013, the above named Defendant, appeared before this Court, with counsel, Danica Comstock, for disposition because of the Defendant's violation of the Court's probation. The Court finds the Defendant's violation was knowing and willful. The Court considered alternatives to revoking the Defendant's probation and, in an exercise of discretion, revokes probation. The Defendant waived his right to an updated presentence investigation.

Now, therefore IT IS HEREBY ORDERED, that the probation entered by the Court on September 20, 2012, be and the same is hereby revoked.

IT IS FURTHER ORDERED that the Judgment of Conviction entered by this Court on May 17, 2012, for the crime of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c), committed on or about November 12, 2011, be and the same is hereby

executed according to its original terms to-wit: that the Defendant, DANIEL WILLIAM LEARY, is sentenced pursuant to I.C. § 19-2513 to the custody of the State Board of Correction of the State of Idaho for the term of not to exceed seven (7) years: with the first two and one-half (2½) years of said term to be FIXED, and with the remaining four and one-half (4½) years of said term to be INDETERMINATE. The Defendant is given credit for two hundred fourteen (214) days served which **includes** any time Defendant spent on a prior retained jurisdiction.

The Court will retain jurisdiction for an indeterminate period of time not to exceed 365 days under I.C. § 19-2601(4). (ROA-RJTC) The Court notes that the defendant has already had the benefit of an earlier rider which was completed in August 2012 and violated his probation within approximately two months of being placed on probation. The Court, based on this history, strongly recommends the Therapeutic Community Rider. The Court further authorizes such other substance abuse, cognitive programs and such other programs as are deemed appropriate by rider personnel.

The Defendant shall pay all fines, costs and fees previously imposed that have not been paid. No further costs and fees will be imposed on the probation violation.

The Defendant is hereby remanded to the custody of the Sheriff of Ada County to be delivered FORTHWITH into the custody of the Director of the Idaho State Correctional Institution.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Order of Revocation of Probation to the said Sheriff, which shall serve as the commitment of the Defendant.

Upon completion of the Retained Jurisdiction programming, the Defendant shall be transported to the county jail and the Idaho Department of Correction will alert the District Court of the day of transport.

DATED this 17th day of January 2013.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of Jan 20 13, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

PROBATION & PAROLE/PSI DEPT
VIA E-MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk

BY: DIANE M. OATMAN
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO

Plaintiff,

vs.

DANIEL W LEARY,

[REDACTED]

Defendant.

CASE NO. CR-FE-2011-0018061

ORDER TO TRANSPORT

It appearing that the above-named defendant is in the custody of the Idaho State Board of Correction, and that it is necessary that DANIEL W LEARY be brought before this Court for:

RIDER REVIEW.....Thursday, May 23, 2013 @ 10:30 AM

IT IS THEREFORE ORDERED That the Ada County Sheriff bring the Defendant from the Penitentiary to the Court at said time and on said date;

IT IS FURTHER ORDERED That immediately following said Court appearance the Sheriff return said Defendant to the custody of the Idaho State Penitentiary;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the said Defendant to the Ada County Sheriff for the purpose of the aforementioned appearance and retake him into custody from the Sheriff upon his return to the Penitentiary.

IT IS FURTHER ORDERED That the Clerk of this Court serve a copy hereof upon the Idaho Department of Corrections and the Ada County Sheriff forthwith and certify to the same.

Dated this 8th day of May, 2013.



MIKE WETHERELL
District Judge

Time	Speaker	Note
11:19:30 AM		
11:19:30 AM		
11:19:30 AM	M Wetherell	Daniel Leary FE1118061 - rider revw - custody - Danica Comstock - Kai Wittwer
11:19:51 AM	M Wetherell	Ct revws file
11:24:52 AM	State	comments/rec'd prob
11:26:26 AM	Public Defender	comments/rec'd prob
11:29:16 AM	Defendant	addresses the Court
11:29:27 AM	Public Defender	no legal cause
11:29:29 AM	M Wetherell	2 1/2 + 4 1/2 CTS 340d includes two riders, susp'd - prob -- same terms and cond
11:32:03 AM	Defendant	understands and accepts terms and cond of prob
11:32:14 AM	M Wetherell	appeal rights

Defendant's Name;

Daniel Leary

Case No.

CLFE11-18061

5 years probation - expires

May 22, 2018

- ☐ No law violations
- ☐ Supervision /court costs ☐ fine _____/_____ suspended ☐ restitution \$ _____
 - ☐ PD reimbursement \$ _____
- ☐ _____ days in county jail _____ susp / Credit _____ days, within _____ days, ☐ options
 - ☐ SATP ☐ Brain Building Basics ☐ ABC Program (cognitive self change)
 - ☐ Jail time may be served in _____ County no cost to this county
- ☐ Enroll, meaningfully participate, complete any program specified by PO, which shall include mental health, substance abuse, thinking errors, anger management and vocational rehab.
- ☒ Defendant has completed a rider and shall take part in all progrms recommended
- ☐ Maintain employment, actively seeking employment, or full time student
- ☐ Review for vocational rehabilitation and/or obtain GED or HSE
- ☐ Shall not purchase, carry or possess firearms or other weapons
- ☐ If defendant requests supervision be transferred, documents shall be admissible
- ☐ _____ days discretionary jail time, to be served at PO's request without prior approval
- ☐ 18-2505 Notification re: escape
- ☐ Do not purchase, possess or consume alcohol
- ☐ Do not purchase, possess or use controlled substances, unless specifically prescribed
- ☐ No frequent bars
- ☐ No associations prohibited by PO
- ☐ Submit to tests of blood, breath, saliva, and urine at own expense
- ☐ Submit to polygraph as to compliance with conditions of probation
- ☐ Defendant enroll in subst abuse treatment, include inpatient/No objection to religious based
- ☐ The Court has no objection to the _____ program which the defendant has chosen.
- ☐ Fourth Amendment waiver
- ☐ Fifth Amendment waiver
- ☐ Sixth Amendment waiver
- ☐ Obtain alcohol/substance abuse evaluation and follow recommendations
- ☐ Def has completed substance abuse evaluation/treatment and follow recommendations
- ☐ Do not become intimately involved with anyone under the age of 18 years
- ☐ Complete sex offender treatment including plethysmograph and polygraph examinations
- ☐ Do not become intimately involved with anyone who has female child under 18 residing in home
- ☐ No unsupervised contact with any female under the age of 18
- ☐ No contact with the victim
- ☐ No contact order has been issued. No contact means NO CONTACT.
- ☐ Register with the Sheriff's Office in county of residence and give any address where temporarily or permanently residing
- ☐ _____ hours of community service, and pay 60 cent fee for each hour of service
- ☐ Attend NA/AA meetings
- ☐ Obtain psychological/psychiatric treatment and sign waivers
- ☐ Establish budget with PO, verify income and expenses
- ☐ No checking account or credit cards while on probation ☐ No new indebtedness
- ☐ Advise future employers in writing, including the statement that this is a _____ offense
- ☐ Def's driving privileges suspended – violation will be considered viol of fundamental condition
- ☒ Def final opportunity at prob
- ☐ Time spent on prob not credited
- ☐ Def has received WHJ – viol will revoke
- ☐ Def has had _____ prior DUI offenses
- ☐ DNA Sample
- ☐ Register for Selective Service
- ☐ Defendant will waive extradition if placed outside this state

137

RECEIVED
JUN - 6 2013
ADA COUNTY CLERK

NO. _____ FILED _____
A.M. 9:35 P.M. _____
MAY 24 2013
CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. CR-FE-2011-0018061
)	
DANIEL WILLIAM LEARY,	)	ORDER SUSPENDING SENTENCE
██████████	)	AND REINSTATING PROBATION
██████████)	
)	
Defendant.)	
_____)	

The Prosecuting Attorney and the Defendant, with counsel, Danica Comstock, came into court this 23rd day of May 2013.

AND WHEREAS, the Defendant was adjudged guilty in the District Court of the Fourth Judicial District in and for the County of Ada of the crime of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c) and was committed to the custody of the State Board of Correction for a period of seven (7) years, with two and one-half (2½) years of said term to be FIXED and with the remaining four and one-half (4½) years INDETERMINATE;

AND WHEREAS, the Court retained jurisdiction for an indeterminate period of time not to exceed 365 days to suspend execution of judgment pursuant to § 19-2601 (4), of the Idaho Code;

AND WHEREAS, the District Court having ascertained the desirability of suspending
ORDER SUSPENDING SENTENCE & REINSTATING PROBATION - 1

W

execution of the judgment and again placing the Defendant on probation;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED That the sentence is hereby suspended and Defendant's probation is reinstated for a period of five (5) years, beginning May 23, 2013, upon the same terms and conditions as outlined in the Order Suspending Sentence and Order of Probation imposed on September 20, 2012, with the following additional and/or amended conditions, to-wit:

1. Defendant has completed a second rider and shall take part in any and all programs recommended in the rider review report.
2. Special Condition No. 23 of Defendant's probation is hereby amended to read as follows: Defendant has had prior opportunities for probation and two (2) riders. The Defendant is advised that this is his/her final opportunity at probation. Failure to abide by the conditions of probation resulting in a motion for probation violation, will, if proven or admitted, be considered a violation of a fundamental condition of probation which will result in imposition of the underlying sentence.

The probation agreement is to be hereto attached and by reference made a part hereof.

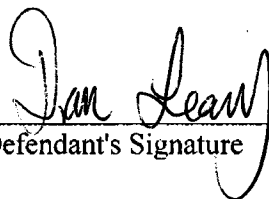
This probation shall expire at midnight on May 22, 2018, unless otherwise ordered by the Court.

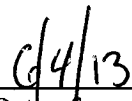
The Defendant shall receive credit for three hundred forty (340) days served, which **includes** the time spent on the retained jurisdiction program.

Dated this 23rd day of May 2013.

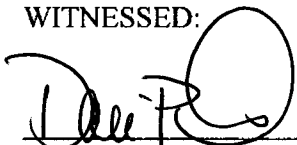

MIKE WETHERELL
District Judge

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.


Defendant's Signature


Date of acceptance

WITNESSED:


Probation and Parole Officer
State of Idaho

ORDER SUSPENDING SENTENCE & REINSTATING PROBATION - 3

000118

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of May 2013, I mailed (served) a true and correct

copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

CCD SENTENCING TEAM – DEPT OF CORRECTION
VIA E-MAIL

PROBATION & PAROLE
VIA E-MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

vs.

Leary, Daniel

PROSECUTOR J Mcdcma

COMPLAINING WITNESS _____

JUDGE

- | | |
|--|---|
| <input type="checkbox"/> BEREZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input checked="" type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

COMMENTS

CASE NO. _____

CLERK RAC

DATE 12/4/13 TIME 21:00 (24)

TOXIMETER _____

CASE ID. _____ BEG. _____

END _____

STATUS

- ☐ WITNESS SWORN
- ☒ PC FOUND RV
- ☐ COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☐ NO PC FOUND _____
- ☐ EXONERATE BOND
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

D.R. # _____

- ☐ DISMISS CASE
- ☐ IN CUSTODY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. FEL-18061

vs.

CLERK H. Manley

Daniel W. Leary

DATE 12, 19, 2013 TIME 1032

PROSECUTOR D. Varie

CASE ID. Gardunia 121913 BEG. 103210

COMPLAINING WITNESS _____

COURTROOM 204 END 103219

JUDGE

STATUS

- | | |
|--|---|
| <input type="checkbox"/> BEREZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input checked="" type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

- ☒ STATE SWORN
- ☐ PC FOUND
- ☐ COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☒ AFFIDAVIT SIGNED
- ☐ JUDICIAL NOTICE TAKEN
- ☐ NO PC FOUND
- ☐ EXONERATE BOND
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

D.R. # _____

- ☐ DISMISS CASE
- ☐ IN CUSTODY

COMMENTS

☒ AGENT'S WARRANT Judge Wetherall 1-9-14 @ 9:00 am

☐ RULE 5(B) _____

☐ FUGITIVE _____

☐ MOTION & ORDER TO CONSOLIDATE _____

ADA COUNTY MAGISTRATE MINUTES

SCHEDULED EVENT: VA

JUDGE: Hawley

CLERK: Deirdre Finnegan

DATE: 12/19/13 TIME: 1:30

COURT REPORTER: _____

TAPE NO: _____

PR/AGY: AC

PROS: J. Sullivan

(P.D.) ATTORNEY N. Owens

Leary, Daniel FE11-18221

SSN _____

DOB _____

1

2

3

4

5

5

Agents

20430

Case Called Def: X Present

 Not Pres.

X In Custody

X Advised of Rights

 Waived Rts

X PD Appointed

 Waived Atty

 Guilty Plea/PV Admit

 N/G Plea

 Advise Subsq Penalty

 Bond \$ NO BOND

 ROR

 Pay/Stay

 Payment Agr

*

*

*

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*

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*

*

*

Arr: 1/9/14 @ 9:00

w/ Wetherell

* Finish () Release Defendant

War#

Def# 01 Seq# 01 Type A Docket#

Rev: 3/97

NO. _____
A.M. _____ P.M. 2:08

DEC 19 2013
CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

STATE OF IDAHO,
Plaintiff.

vs.

Daniel William Leary
1695 Cleveland St
Boise, ID 83705

Defendant.

)
) Case No: CR-FE-2011-0018061

) **NOTICE OF APPOINTMENT OF PUBLIC DEFENDER**
) **AND SETTING CASE FOR HEARING**

) ☐ Ada ☐ Boise ☐ Eagle ☐ Garden City ☐ Meridian

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Probation Violation Arraignment...Wednesday, January 08, 201409:00 AM
Judge: Mike Wetherell

BOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE **PERSONALLY PRESENT** AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A **BENCH WARRANT** FOR THE DEFENDANT'S **ARREST**.

I hereby certify that copies of this Notice were served as follows on this date Thursday, December 19, 2013.

Defendant: Mailed _____ Hand Delivered _____ Signature *Same De 824*
Clerk / date _____ Phone _____

Prosecutor: Interdepartmental Mail _____

Public Defender: Interdepartmental Mail _____

Deputy Clerk

DEC 19 2013

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

STATE OF IDAHO)
Plaintiff)

-Vs.-)

Daniel Leary)

AFFIDAVIT

STATE OF IDAHO)

) Ss.

County of Ada

Court case # CR-FE-2011-0018061

Offense/Underlying Conviction:

Possession of a Controlled Substance

Date of Probation: May 23, 2013

Dan Methe, being first duly sworn, deposes and says:

1. THAT he is a probation officer for the State of Idaho.
2. THAT on the 18, day of December, 2013 he issued an Agent's Warrant on the above named defendant for violating her probation.
3. THAT the following statement is offered as probable cause.
4. THAT your affiant has read the following statements and state that the facts set for therein are true and correct to the best of my knowledge and belief. On October 18th, 2013, Defendant Leary admitted to and tested positive for marijuana. At the same time the defendant stated that he had Law enforcement contact, where Boise Police Department took a knife off Defendant Leary. On December 6th 2013, the defendant tested positive + admitted using meth.

Dated this 18 day of December, 2013

Dan Methe
Probation and Parole Officer

SUBSCRIBED AND SWORN to before me this 18 day of December, 2013

Tim Jeffries
Notary Public

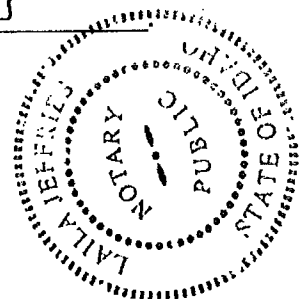
Residing at Burn, Idaho

My commission expires 6-10-15

Bond is set at \$ _____ pending arraignment.

DATED this _____ day of _____, 20____

Honorable _____, Fourth Judicial District Judge



000124

SM



IDAHO DEPARTMENT OF CORRECTION
Community Corrections

AGENT'S WARRANT OF ARREST

TO: All CHIEFS of POLICE, SHERIFFS, MARSHALS, CONSTABLES, and PEACE OFFICERS of the STATE of IDAHO.

In accordance with Title 20-227 and 20-301 of the Idaho Code, you are hereby commanded to take or retake into custody during the day or night, and detain

Name: Daniel Leary IDOC# 103223 County of Ada Court Case No. CRFE-2011-18061

For the underlying offense(s) of: Possession of a controlled substance

Who is alleged to have violated the Conditions of:

☒ PROBATION () PAROLE as granted by the Honorable Judge Mike Wetherell
on the 23 day of May, 2013 at the City of Boise, County of Ada

This warrant shall be sufficient to detain a probationer until they are brought before the Court for arraignment. This Warrant shall be valid until such time as it is replaced by a Bench Warrant, Parole Commission Warrant, or is withdrawn by the Department of Correction.

Dated at Boise, Idaho in Ada County this 18 day of December, 2013.

Alleged
Violations

1. Using illegal Drugs
2. Possession of a weapon
3. _____
4. _____

Sam Mettler
Probation & Parole Officer for
The State of Idaho

I have been given notice for the reason(s) I am in custody.

Dan Leary
(Signature of Offender)

12/18/13
(Date)

4:03
(Time)

PAROLEES ONLY:

I understand I have a right to a preliminary hearing within 5 business days of my incarceration (Parolees only)

NM I do not wish to have a preliminary hearing. _____ (Initials of the Offender)
I wish to have the preliminary hearing. _____ (Initials of the Offender)
Parolee not eligible due to absconding or misdemeanor or felony conviction

RECEIPT OF WARRANT

I HEREBY CERTIFY that I received this Warrant on the 18 day of DECEMBER, 2013.

Officer Brooks Agency ASCO 505276

Ht	<u>5' 8"</u>	Wt	<u>175</u>	Hair	<u>Brown</u>	Eyes	<u>Green</u>
				RACE	<u>white</u>	Sex	<u>Male</u>



Ada County Sheriff's Office

Page 1 of 1
Printed - 12/18/2013
Printed by - SO5318

Jail Booking Sheet

DEC 19 2013

Booking ID: 100575643



LE #: 687140



Name: LEARY DANIEL W

Age: 23

Address: 1695 CLEVELAND ST

BOISE, ID 83705 Ph. (208) 713-2011

Marital Status: S

Education: GED

Sex: M Race: W Ht: 5'07" Wt: 170 Eyes: GRN Hair: BRO POB: Belflower, CA

Marks: TAT CHEST, WRD, PAIN IS LOVE; TAT BACK, CRS, CELTIC CROSS; TAT UL ARM, NAM, ALICIA RAE LEARY
3/14/09; TAT R ARM, SHA

Alias: LEARY DANIEL WILLIAM

Emp: VECTOR MARKETING

Notify: GINA

Rel: Relationship Unknown

Ph: () 320-1749 - O

Date-in: 12/06/2013 Time-in: 11:11:44 ADA JAIL / PODB / 54

Prop Box: 739

PCN#:

Booked by: 4979

Comments:

* * * * *

VISUAL ARREST

DR: ADA 00-000000

Booked by: 4979

Case: Def: Cnt: ISTARs Case:

Def: S Cnt:

Arrest Date/Time: 12/18/2013 16:27:00 Release Date/Time:

Citation:

Location: 7210 Barrister Dr

Officer: A 5276

Municipality: ADA COUNTY

Pros. Agency: Ada County

Visual: LE-126-A {F} AGENTS WARRANT--PROBATION VIOLATION

Video Arraignment Date: 12/19/2013 Time: 13:30:00

Initial Bond:

Bond Amt: \$ 0.00

Type:

Paid By/Agy:

DEC 19 2013

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Douglas R. Varie
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

DANIEL W LEARY,)

Defendant.)

Case No. CR-FE-2011-0018061

**AFFIDAVIT OF PROBABLE
CAUSE TO HOLD
PROBATIONER ON AGENT'S
WARRANT**

Douglas R. Varie, being first duly sworn, deposes and says that DANIEL W LEARY is on probation for a felony charge in the State of Idaho. That an Agent's Warrant has been issued by DAN METTIE, who is a probation officer for the Idaho Department of Corrections which is responsible to supervise this probationer. That said Defendant has been arrested in Ada County, Idaho on the Agent's Warrant and is now before this court.

**AFFIDAVIT OF PROBABLE CAUSE TO HOLD PROBATIONER ON AGENT'S
WARRANT (LEARY), Page 1**

000127

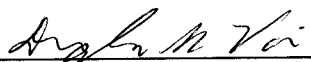
5m

That said Defendant is the same person named in the above-mentioned warrant of arrest. Probable Cause to establish this belief is based upon the attached Agent's Warrant.

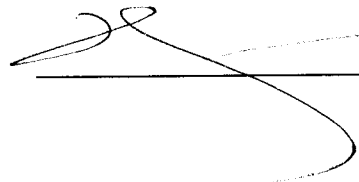
Wherefore, it is requested that DANIEL W LEARY be committed to the custody of the Sheriff of Ada County, to be held with bail set by the assigned District Court Judge and that an arraignment be set in the District Court.

DATED this 19th day of December 2013.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Douglas R. Varie
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 19th day of December 2013.



DEC 19 2013

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Douglas R. Varie

Deputy Prosecuting Attorney

200 W. Front Street, Room 366

Boise, Idaho 83702

Phone: 287-7700

Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DANIEL W LEARY,

Defendant.

Case No. CR-FE-2011-0018061

**ORDER ON PROBATIONER
ARREST ON AGENT'S
WARRANT**

DANIEL W LEARY, having appeared before the Court this date, pursuant to arrest by the Ada County Sheriff's Office, in Ada County, Idaho. Defendant was informed in conformance with Administrative Order of the probation violation allegations against him/her, that he/she is not required to make a statement, and that any statement made by him/her may be used against him/her, of his/her right to counsel as provided by law, and of

ORDER ON PROBATIONER ARREST ON AGENT'S WARRANT (LEARY), Page

SM

his/her rights to rebut the allegations, to present and confront witnesses and to present evidence all in District Court.

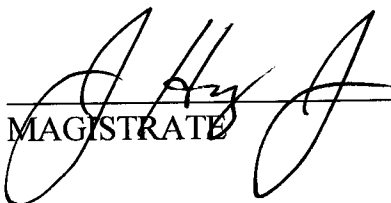
IT IS ORDERED AND THIS DOES ORDER that bond in this matter is set

No Bond.

IT IS ORDERED AND THIS DOES ORDER that the defendant appear in Judge

Wetherell's Court on the 9th day of January at the hour of 9:00AM.

DATED this 19th day of December 2013.


MAGISTRATE

DEC 20 2013

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

*Judge
Wittwer*
Kai Wittwer
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

DANIEL WILLIAM LEARY,)

Defendant.)

Case No. CR-FE-2011-0018061

**MOTION FOR PROBATION
VIOLATION**

(AGENTS WARRANT)

STATE OF IDAHO)

) ss:

County of Ada)

COMES NOW, Kai Wittwer, Deputy Prosecuting Attorney for Ada County, State of Idaho, being first duly sworn, deposes and says:

That on the 2nd day of February 2012, the Defendant pled guilty to POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, and that on the 17th day of May 2012, this Court retained jurisdiction, and that on the 20th day of September 2012, this Court

**MOTION FOR PROBATION VIOLATION,
(AGENTS WARRANT), (LEARY/CR-FE-2011-0018061), Page 1**

000131

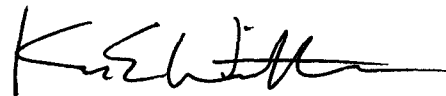
placed the Defendant on probation for a period of five (5) years, and that on the 3rd day of January 2013, the Defendant pled guilty to PROBATION VIOLATION, FELONY, and that on the 18th day of January 2013, this Court retained jurisdiction, and that on the 23rd day of May 2013, this Court reinstated probation for a period of five (5) years.

This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

1. Failing to pay fees, funds, surcharges and/or costs as ordered by the Court (please see attached computer printout);
2. Failing to pay restitution as ordered by the Court (please see attached computer printout);
3. Possessing firearms or other weapons, to-wit: on or about the 6th day of October 2013, the Defendant was found to be in possession of a fixed bladed knife;
- ✓4. Using a controlled substance, to-wit: marijuana on or about the 2nd day of October 2013, per written admission, and by;
- ✓5. Using a controlled substance, to-wit: methamphetamine on or about the 6th day of December 2013, per the urinalysis test.

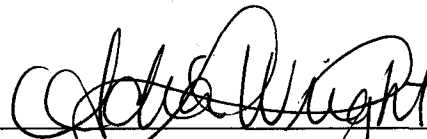
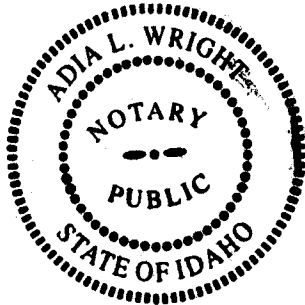
WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney



By: Kai Wittwer
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 19th day of December 2013.



Notary Public for the State of Idaho
Residing at King, Idaho
Commission Expires: 9/26/17.

**IDAHO DEPARTMENT OF CORRECTION
DIVISION OF COMMUNITY CORRECTIONS**

Probation and Parole, District 4

8752 W. Fairview Ave.

Boise, Idaho 83704

(208) 327-7008

REPORT OF PROBATION VIOLATION

DATE: December 15th, 2013

TO: The Honorable
Judge, Mike Wetherell
Judge, Fourth Judicial District
Ada County Courthouse
Boise, Idaho 83702

RECEIVED

DEC 20 2013

Ada County Clerk

NAME: Daniel William Leary

COURT CASE: CR-FE-2011-0018061

LAST KNOWN ADDRESS: 1695 Cleveland Street, Boise Idaho 83705

OFFENSE: Possession of a Controlled Substance

DATE OF SENTENCE: May 23rd, 2013

SENTENCE: 7 years (2.5 years Fixed,
4.5 years Indeterminate) 5 years probation

DATE OF PROBATION: May 23rd, 2013

COUNTY: ADA

JUDICIAL DISTRICT: Fourth

RULE VIOLATED

COURT ORDER SPECIAL CONDITION 1, which states:

Defendant shall pay all fines, cost, and fees previously imposed that have not been paid, and community service fee (\$.60 per hour) as required by I.C. 31-3201C, to be paid through the Clerk of the District Court as arranged through the probation officer.

SUMMARY

COURT ORDER SPECIAL CONDITION 1 was violated in that:

On December 15th, 2013, I checked the defendant's restitution/fines balance in ISTARS for case number CRFE-2011-0018061. I found that the defendant owes \$433.61. On April 4th, 2013, the defendant signed a payment agreement, which he committed to pay \$40.00 a month on case number CRFE-2011-0018061 starting July 1st, 2013. Since the defendant has been on probation for his

PV000001

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REPORT OF VIOLATION ADDENDUM

Leary, Daniel

DATE: 12/15/13

CR-FE-2011-0018061

Page 2

current offense, he has not made one payment to his restitution/fines.

RULE VIOLATED

COURT ORDER SPECIAL CONDITION 5, which states:

Defendant shall not purchase, carry or have in his possession any firearm(s) or other Weapons. Pocket knives are weapons under this condition.

SUMMARY

COURT ORDER SPECIAL CONDITION #5 was violated in that:

On October 6th, 2013, Probation Officer Martinez received a call from the Boise Police Department (BPD). They stated that BPD had contact with the defendant. I tried to get the police report from Boise Police Records, but they could find a police report on the incident. On October 18th 2013, the defendant came into the office to explain the law enforcement contact which happened on October 6th, 2013.

The defendant stated that on October 6th, 2013, he found a fixed bladed knife on the ground outside. He stated that the knife had no handle, but where the handle should be on the knife, it was wrapped in yellow tape. The defendant stated that he was worried that children may find the knife on the ground. Mr. Leary stated that he picked up the knife and put in his waist band. Shortly after that, the defendant was approached by Boise Police Officers. They asked the defendant if he had any weapons on him. The defendant stated that he lifted up his shirt and showed Boise Police Officers the knife. A Boise Police Officer took the knife to dispose of it. The defendant wrote the incident out on a police contact form which stated the following: Please see appended form.

RULE VIOLATED

COURT ORDER SPECIAL CONDITION 10, which states:

Defendant shall not purchase, possess or consume any drug or narcotics unless specifically prescribed by a medical doctor.

SUMMARY

COURT ORDER SPECIAL CONDITION #10 was violated in that:

On October 18th, 2013 the defendant came into the Probation & Parole office for a scheduled meeting. I went and got the defendant from the lobby and escorted him back to the UA room. I informed the defendant that he needed to provide a sample of his urine to be tested for drugs. At that point, the defendant stated that he had something he wanted to tell me. The defendant stated that he smoke marijuana about two weeks ago. He stated the following. See appended admission form.

On December 5th, 2013, I received an e-mail from Kinsey Nelson from Recovery4life. She stated that the defendant was missing treatment and missing scheduled UAs. Mrs. Nelson stated that the

PV000002

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REPORT OF VIOLATION ADDENDUM

Leary, Daniel

DATE: 12/15/13

CR-FE-2011-0018061

Page 3

defendant admitted in treatment class to relapsing on methamphetamine when he missed group the previous week.

After receiving this information, I phoned the defendant and instructed him to come in to the Probation & Parole office to give a UA by 1000 hours on 12/06/2013. The defendant reported into the office and Officer Starry conducted the UA on Mr. Leary.

Defendant Leary provided a urine sample, which tested positive for methamphetamine. Officer Starry asked the Defendant Leary if he had been using methamphetamine and the defendant did not answer the officer. The officer asked him again if he had been using meth. Defendant Leary then stated, "If that is what is says then that's what I fucking did".

Officer Starry asked the defendant how he had been using the methamphetamine. Defendant Leary stated that he smoked it. Officer Starry instructed Defendant Leary to show his arms, in order to check for track marks on the defendant's arms. The defendant did not respond. Officer Starry checked the defendant's arm and identified three (3) needle puncture areas in Leary's right arm. Mr. Leary then said, "Alright so I shoot up sometimes, what does it matter".

Intermediate Sanction:

- Curfew
- Increased UA's
- 14 days of DJT
- Increased monthly reporting
- employment search
- Additional programming

Supervision History:

In Defendant Leary's Presentence Investigation report for sentence date April 26, 2012 did not provide his criminal history on the presentence questionnaire, and told the PSI write that his attorney told him the investigator could the information up.

Defendant Leary was convicted on Possession of a Controlled substance on March 17th, 2012. The Court Retained Jurisdiction of the case, and Defendant Leary did on a rider in North Idaho Correctional Institution (NICI). After the defendant completed the program, he was placed on probation on September 20th, 2012.

On December 5th, 2012, Probation Officer Palmer received a call from Investigator Iverson about Defendant Leary being strung out in Garden City around 48th Street and was concerned for his safety. It was reported that the defendant failed to stay at residence with parents since November 29th, 2012, and Defendant Leary failed to report to his groups at Recovery4Life.

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On November 29th, 2012, Officer Palmer instructed the defendant to following instructions the following instruction. Were given to him:

Defendant Leary was to contact DARS Tatom to engage in a aftercare program. The defendant failed to follow through.

Defendant Leary was to attend NA meetings and obtain sponsor. That officer was unable to confirm compliance, due to the defendant not making himself available for supervision.

Defendant Leary was to contact Recovery 4 Life to engage in treatment and not miss any meetings, groups, etc. The defendant attended on November 29th, 2012, but failed to attend meeting after that date.

Defendant Leary was to seek employment. The officer was unable to confirm compliance, due to the defendant failing to make himself available for supervision.

The defendant's parents told Officer Dani Palmer they were concerned for the defendant's safety, due to how he behaves while using meth. The parents stated that the defendant gets violent.

Due to the defendant's drug use and non compliance with supervision, a Probation Violation was written and a Bench warrant was issued. The Court ordered another Retained Jurisdiction on January 17th, 2013. The defendant was order to complete CAPP.

After the defendant completed the CAPP program, Defendant Leary's probation was reinstated again on May 23rd, 2013. During 6 months his probation has been reinstated, the defendant had admitted to smoking marijuana on October 2nd, 2013 and having contact with Boise Police, where he had on his possession a knife. On December 5th, 2013, I received an e-mail from the defendant's treatment provider stating that the defendant was missing treatment classes, UA's, and admitted to using methamphetamine.

On December 6th, 2013, Defendant Leary came into the Probation & Parole office to provide a sample of his urine to be tested for drugs. The defendant tested positive and admitted to using methamphetamine intravenously.

Employment:

Defendant Leary has been unemployed most of his time he had been reinstated on

probation. He obtained employment for approximately 2 months, but after defendant Leary could not provide employment verification to his Probation Officer, the defendant admitted that he was getting paid under the table and not paying taxes. His Probation Officer would not allow under the table employment and referred the defendant to Vocational Rehabilitation. In an e-mail I received from Recovery4Life on December 5th, 2013. Recovery4Life stated that the defendant has not followed through turning in his Vocational Rehabilitation paperwork.

The defendant did call me on December 2, 2013 and stated he was just hired by with Vector Marketing but he never provided employment verification.

Relationship:

Defendant Leary is in a relationship in Tina Treat. She lives in Filer Idaho, but travels to Boise Idaho frequently for her job.

Physical and Mental Health:

Kinsey Nelson from Recovery4Life stated the Defendant Leary is "all kinds of a mess". Mrs. Nelson stated in an e-mail I received on December 5th 2013, that it is now or never for the defendant. Defendant Leary either needs to get on board and follow through, like he says he wants to. Mrs. Nelson stated that the defendant has extreme criminal thinking issues, and she believes the defendant has undiagnosed mental health issues.

RECOMMENDATION:

Defendant Leary has experienced two periods of Retained Jurisdiction in this case. He was reinstated on probation most recently on May, 23rd, 2013. In the 6 months since his reinstatement on probation, Defendant Leary continues to have ongoing non-compliance issues with his Court Ordered mandates, continued criminal activity and self-destructive behavior.

Because of the defendant's continued drug use, he was taken to Ada County Jail and booked in on 14 days of Discretionary Jail Time (DJT), effective on December 6th, 2013. The remaining 14 days of DJT were voided by an Agent's Warrant on December 18th, 2013. It is respectfully requested that a Bench Warrant be issued to replace said Agent's Warrant, so the defendant can be brought before the Court to answer the above allegations. It is this Officer's recommendation that if the defendant is found guilty of again violating probation, his probation be revoked and his original sentence be imposed.

Respectfully submitted,

REPORT OF VIOLATION ADDENDUM
Leary, Daniel
DATE: 12/15/13
CR-FE-2011-0018061

Page 6

Dan Mettie

Dan Mettie
Probation/Parole Officer

APPROVED: Christine N. Barrera

Barrera, Christine Section Supervisor
Community Corrections, District 4

THE ABOVE DOCUMENTED INFORMATION, WHICH IS IN WRITING, IS KNOWN BY ME
TO BE

TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dan Mettie
Probation Officer

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF
IDAHO, ON

THIS 18 DAY OF December, 2013.

Leah Jeffers

Notary Public

Residing at Bow, Idaho

My commission expires 6-10-15



PV000006

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IDAHO DEPARTMENT OF CORRECTION

C.L. BUTCH OTTER
GOVERNOR

BRENT REINKE
DIRECTOR

ADMISSION OF SUBSTANCE ABUSE

I, Daniel Leary, do hereby admit that I used pot
on or about Oct 2nd.

I understand when I sign this document that it may be used in a Report of Violation, which may be submitted to the court/ parole commission.

Ran into Kyle old friend on the 2nd and he could see
I was stressed out and offered me a bowl of
weed. I took it, left and smoked it before I got
home. I was at Curtis and overland behind Jacksons when I
smoked it, I was ~~was~~ very stressed out about my
family, my children daycare and bills.

Dan Leary
Signature of Probationer/Parolee

10/17/13
Date

Den Mello
Witness

10/17/13
Date

PV000007
000140



IDAHO DEPARTMENT OF CORRECTION

C.L. "BUTCH" OTTER
GOVERNO

BRENT REINKE
DIRECTOR

Police Contact Documentation Form

Name: Daniel Leary IDOC #: 103223 Date: 10/17/13

Date of Police Contact: 10/16/13

Time of Police Contact: 4:00 pm

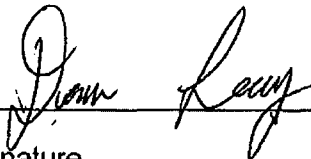
Location of Police Contact: Kootney and orchard

Description of Incident:

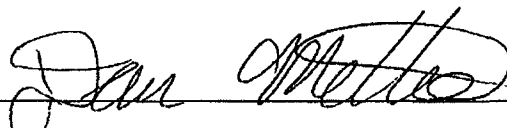
I was upset about a friend of mine accusing me of sleeping with his girl so I was yelling on the phone outside on the sidewalk. As ~~soon~~ ^{soon} as I got off the phone I went walking to blow some steam and saw a knife with yellow tape on handle laying on the ground. I stopped and looked around and saw kids in the yard so I picked it up and put knife in back pocket. I proceeded to throw it away in trash and 4 BPD walked up on me and asked if I had any weapons on me. I turned and pulled my shirt up and told the police exactly how I got the knife and why I was upset. They ^{took the} gave me a ~~the~~ paper about getting rid of knife ^{knife from} me. and told me to contact my po within 24 hrs. BPD told me ~~me~~ that I was lucky that I didn't

PV000008
000141

got shot 20 times. The knife was about
4 or 5 inches long and hooked at the tip of
knife.


Signature

Date: 10/17/13


Witness

Date: 10/17/13

Date: 12/19/2013

Fourth Judicial District Court - Ada County

User: PRWRIGAL

Time: 11:10 AM

Ledger

Page 1 of 3

For Case CR-FE-2011-0018061

	Type	Amount	Entered		Approved
Leary, Daniel William					
I37-2732C {F}					
Fine	Original	0.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	0.00			
POST Fee	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Victim Comp. - Felony	Original	75.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	75.00			
Administrative Surcharge - Misd/Fel	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
ISTARS Tech Fund	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Court Costs - Misd/Fel	Original	17.50	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	17.50			
Peace Officer and Detention Officer Temporary Disability Fee	Original	3.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	3.00			
Domestic Violence / Substance Abuse Fee	Original	30.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	30.00			
Emergency Surcharge - Felony	Original	100.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	100.00			
Drug Violations Hotline Fee	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Community Service Insurance	Original	60.00	9/20/2012	DCOATMAD	
	Item total:	60.00			
	Charge amount due:	325.50			

PV000010

000143

Date: 12/19/2013

Fourth Judicial District Court - Ada County

User: PRWRIGAL

Time: 11:10 AM

Ledger

Page 2 of 3

For Case CR-FE-2011-0018061

Type	Amount	Entered	Approved
------	--------	---------	----------

Leary, Daniel William

Restitution

DRUG ENFORCEMENT DONATION	Original	100.00	5/17/2012	DCOATMAD	
DRUG ENFORCEMENT DONATION	Adjustment	1.08	7/2/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	8/1/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	9/4/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	10/1/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	11/1/2012	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	12/3/2012	TCPACKCF	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	1/2/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.40	2/1/2013	TCMORGAM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	3/1/2013	TCMORGAM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	4/1/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	5/1/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	6/3/2013	CCKINGAJ	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	7/1/2013	TCMCCOSL	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	8/1/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	9/3/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	10/1/2013	MCBIEHKJ	BatchRun
				Victim Restitution Interest Applied	

PV000011

000144

Date: 12/19/2013

Fourth Judicial District Court - Ada County

User: PRWRIGAL

Time: 11:10 AM

Ledger

Page 3 of 3

For Case CR-FE-2011-0018061

Type

Amount Entered

Approved

Leary, Daniel William

Restitution

DRUG ENFORCEMENT DONATION Adjustment

.43 11/1/2013 MAHICKTM BatchRun

Victim Restitution Interest Applied

Item total: 108.11

Total Amount Due: 433.61

PV000012

000145

B7
d/19
x5

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
FILED _____
P.M. _____

DEC 24 2013

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

DANIEL WILLIAM LEARY,

Defendant.

Case No. CR-FE-2011-0018061

MOTION FOR BOND REDUCTION

COMES NOW, DANIEL WILLIAM LEARY, the above-named defendant, by and through counsel DANICA M COMSTOCK, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Tuesday, December 24, 2013.

Danica Comstock

DANICA M COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, December 24, 2013, I mailed a true and correct copy of the within instrument to:

KAI E. WITTWER
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

Katie VanVoorhis

MOTION FOR BOND REDUCTION

000146

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____
FILED _____
P.M. _____

DEC 24 2013

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff

vs.

DANIEL WILLIAM LEARY,
Defendant.

Case No. CR-FE-2011-0018061

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to KAI E. WITTWER:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Thursday, January 09, 2014, at the hour of 09:00 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Tuesday, December 24, 2013.

Danica Comstock

DANICA M COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, December 24, 2013, I mailed a true and correct copy of the within instrument to:

KAI E. WITTWER
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

Katie VanVoorhis

NOTICE OF HEARING

000147

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. _____

DEC 24 2013

CHRISTOPHER D. RICH, Clerk
CHRISTOPHER BOUCHER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

DANIEL WILLIAM LEARY,

Defendant.

Case No. CR-FE-2011-0018061

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Tuesday, December 24, 2013.



DANICA M COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, December 24, 2013, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>11:07:23 AM</u>		
<u>11:07:23 AM</u>	M Wetherell	Daniel Leary FE1118061 - PV arrg - custody - Danica Comstock/Kai Wittwer
<u>11:08:03 AM</u>	M Wetherell	Ct arrgs on PV
<u>11:13:26 AM</u>	Public Defender	reqts one week
<u>11:13:31 AM</u>	M Wetherell	Jan 16, 2014 at 9:00
<u>11:13:37 AM</u>	Public Defender	bond argument
<u>11:15:20 AM</u>	State	reqt def be held without bond
<u>11:17:51 AM</u>	M Wetherell	denies bond setting
<u>11:17:56 AM</u>		End of Case
<u>11:17:56 AM</u>		

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>9:57:40 AM</u>		
<u>9:57:40 AM</u>		
<u>9:57:41 AM</u>	M Wetherell	Daniel Leary - FE1118061 - PV admit-deny - custody - Danica Comstock/Kai Wittwer
<u>9:58:26 AM</u>	M Wetherell	Ct revws file
<u>9:59:25 AM</u>	Public Defender	admit alleg 4 and 5 -- balance dism'd -- dispo open to argument -- reqts drug court screening prior to sentencing
<u>10:08:53 AM</u>	Defendant	sworn & examined by the Court
<u>10:09:01 AM</u>	M Wetherell	No updated PSI necessary -- PV dispo Feb 20, 2014 at 2:30
<u>10:10:05 AM</u>	M Wetherell	Def to be screened for drug Court -- Jan 21, 2014 at 2:15
<u>10:11:10 AM</u>		End of Case
<u>10:11:10 AM</u>		
<u>10:11:10 AM</u>		

JUDGE: CHERI COPSEY/ CLERK: BETH MASTERS/ CT REPORTER: KIM MADSEN/WAIVED

CASE NUMBER: CR FE 11 18061

CASE NAME: STATE v DANIEL LEARY

DATE: 21 JANUARY, 2014 SESSION: Copsey #. 22105

P.A.: CATHERINE FREEMAN

P.D.: NICHOLAS WOLLEN

Private:

DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

WARRANT ISSUED. BOND SET AT \$ /BOND FORFEITED/ROR REVOKED

DEFENDANT ARRAIGNED. TRUE COPY OF INFORMATION SERVED. TRUE NAME.

PLEA AGREEMENT:

DEFENDANT PLEADS GUILTY TO COUNT(S) (COUNT(S) DISMISSED).

COURT QUESTIONS DEFENDANT, ACCEPTS GUILTY PLEA AND ACCEPTS INTO DRUG COURT.

COURT ORDERS DEFENDANT TO REPORT TO MARREEN BURTON BY 5:00 NEXT DAY.

COURT ORDERS DEFENDANT TO ATTEND ALL COUNSELING AND TREATMENT SESSIONS.

COURT ORDERS DEFENDANT TO SUBMIT RANDOM UA'S/ STAY OFF DRUGS/ALCOHOL/

NOT GO PLACES W/ DRUGS/ALCOHOL PRESENT

COURT ORDERS DEFENDANT TO PAY THE \$15 WEEKLY FEE/\$25.00 ENTRY FEE./ PRIVATE PAY

DEFENDANT RELEASED ON HIS/HER OWN RECOGNIZANCE. CURFEW OF O'CLOCK

MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON

AT 8:30 AM BEFORE JUDGE DEF. ORDERED TO APPEAR.

MOTION FOR DISCHARGE FILED/ DEF ARRAIGNED ON MOTION/ DEFENDANT ADMITS/DENIES

SET FOR HEARING UPON DENIAL BY DEF./ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.

DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR PSI ORDERED/WAIVED

COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

MATTER CONTINUES TO AT 2:15 FOR REVIEW/ DEF. ORDERED TO APPEAR.

DEFENDANT PROMOTED TO PHASE II; PHASE III; PHASE IV.

DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

AA/NA HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT;

BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE- HOURS/DAYS; STUDY HALL- HOURS/DAYS;

CURFEW OF O'CLOCK;

DAILY CHECK-IN; ESSAY ON ; FAMILY WEEKEND FIND EMPLOYMENT

GRIEF GROUP; JAIL- DAYS- (TO BE SERVED); LAST CHANCE ESSAY PROGRAM;

LETTER OF APOLOGY TO ; NO CONTACT WITH ;

OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION: RISE AND SHINE WITH RAEANN;

SILD- DAYS; 1 ON 1 COUNSELING; 12 STEP WKSHEETS; 90 AA/NA IN 90 DAYS;

OK to be released
PV Dispo with cell 2-20-14

(OTHER)

DEFENDANT REMANDED INTO CUSTODY FOR / DEFENDANT RELEASED

JAN 22 2014

CHRISTOPHER D. RICH, Clerk
By BETH MASTERS
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Daniel Leary

Defendant.

Case No. FE 11 18061

**ORDER TO MAKE DEFENDANT
AVAILABLE FOR ASSESSMENT
FOR DRUG COURT**

It being necessary to conduct a drug assessment to determine whether or not
the Defendant is appropriate for Drug Court,

IT IS HEREBY ORDERED that the Ada County jail personnel shall transport the
above-named Defendant to the Ada County Courthouse and make the defendant available
to representatives of Ada County Treatment Services so that they can interview the
Defendant for a Drug Court assessment on 2-3-14 at 11:00 a.m.

Dated: 1-22-14

Cheri C. Copsey

Cheri C. Copsey
District Judge

FAXed to Ada County Jail: 577-3409

Order to Make Defendant Available for Drug Court Assessment

000153

Staffing

JUDGE: **CHERI COPSEY**/ CLERK: **BETH MASTERS**/ CT REPORTER: **KIM MADSEN**/WAIVED

CASE NUMBER: **CR FE 11 18061**

CASE NAME: **STATE v DANIEL LEARY**

DATE: **11 FEBRUARY, 2014** SESSION: **Copsey #.** _____

P.A.: **CATHERINE FREEMAN** P.D.: **NICHOLAS WOLLEN** Private: _____

DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

WARRANT ISSUED. BOND SET AT \$ _____ /BOND FORFEITED/ROR REVOKED

DEFENDANT ARRAIGNED. TRUE COPY OF INFORMATION SERVED. TRUE NAME.

PLEA AGREEMENT: _____

DEFENDANT PLEADS GUILTY TO COUNT(S) _____ (COUNT(S) _____ DISMISSED).

COURT QUESTIONS DEFENDANT, ACCEPTS GUILTY PLEA AND ACCEPTS INTO DRUG COURT.

COURT ORDERS DEFENDANT TO REPORT TO **MARREEN BURTON** BY 5:00 NEXT DAY.

COURT ORDERS DEFENDANT TO ATTEND ALL COUNSELING AND TREATMENT SESSIONS.

COURT ORDERS DEFENDANT TO SUBMIT RANDOM UA'S/ STAY OFF DRUGS/ALCOHOL/

NOT GO PLACES W/ DRUGS/ALCOHOL PRESENT

COURT ORDERS DEFENDANT TO PAY THE \$15 WEEKLY FEE/\$25.00 ENTRY FEE./ PRIVATE PAY

DEFENDANT RELEASED ON HIS/HER OWN RECOGNIZANCE. CURFEW OF _____ O'CLOCK

MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON

AT 8:30 AM BEFORE JUDGE _____ DEF. ORDERED TO APPEAR.

MOTION FOR DISCHARGE FILED/ DEF ARRAIGNED ON MOTION/ DEFENDANT ADMITS/DENIES

SET FOR HEARING UPON DENIAL BY DEF./ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.

DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR _____ PSI ORDERED/WAIVED

COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

MATTER CONTINUES TO _____ AT 2:15 FOR REVIEW/ DEF. ORDERED TO APPEAR.

DEFENDANT PROMOTED TO _____ PHASE II; _____ PHASE III; _____ PHASE IV.

DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

AA/NA _____ HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT;

BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE- _____ HOURS/DAYS; STUDY HALL- _____ HOURS/DAYS;

CURFEW OF _____ O'CLOCK;

DAILY CHECK-IN; ESSAY ON _____; FAMILY WEEKEND FIND EMPLOYMENT

GRIEF GROUP; JAIL- _____ DAYS- (TO BE SERVED _____); LAST CHANCE ESSAY PROGRAM;

LETTER OF APOLOGY TO _____; NO CONTACT WITH _____;

OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION: RISE AND SHINE WITH RAEANN;

SILD- _____ DAYS; 1 ON 1 COUNSELING; 12 STEP WKSHEETS; 90 AA/NA IN 90 DAYS;

Observed AC 1-21-14

Wetherell PV dispo 2-20

Appropriate

AC Applic 2-26-14 @ 9 AM
(OTHER)

DEFENDANT REMANDED INTO CUSTODY FOR _____ / DEFENDANT RELEASED

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>3:00:57 PM</u>		
<u>3:00:57 PM</u>		
<u>3:00:57 PM</u>	M Wetherell	Daniel Leary FE1118061 - PV dispo - custody - Kai Wittwer/Danica Comstock
<u>3:01:24 PM</u>	M Wetherell	revws file
<u>3:07:14 PM</u>	State	revoke and impose
<u>3:11:34 PM</u>	Public Defender	comments/rec'd
<u>3:14:00 PM</u>	Defendant	addresses the Ct
<u>3:14:04 PM</u>	M Wetherell	Ct inquires of def re: drug court
<u>3:14:13 PM</u>	Defendant	response
<u>3:18:14 PM</u>	Public Defender	no legal cause
<u>3:18:18 PM</u>	M Wetherell	7yrs 2 1/2 + 4 1/2 susp'd, remain on prob subject to same terms and cond -- 5yrs prob -- apply for participation and complete drug court program -- 405d CTS against fixed portion
<u>3:22:05 PM</u>	Defendant	understands and accepts terms and cond of probation
<u>3:22:17 PM</u>	M Wetherell	appeal rights
<u>3:22:44 PM</u>		End of Case
<u>3:22:44 PM</u>		

FEB 21 2014

CHRISTOPHER D. RICH, Clerk
By KARI MAXWELL
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DANIEL WILLIAM LEARY,

[REDACTED]
[REDACTED]

Defendant.

Case No. CR-FE-2011-0018061

ORDER REINSTATING, AMENDING,
AND EXTENDING PROBATION

WHEREAS, on the 20th day of February 2014, the Prosecuting Attorney and the above Defendant, DANIEL WILLIAM LEARY, with counsel, Danica M. Comstock, appeared before the Court for disposition regarding violation of probation;

WHEREAS the Court found that the Defendant was in violation of the probation, but that probation should continue;

IT IS HEREBY ORDERED that probation be reinstated, *and extended to February 19, 2019*, upon the same terms and conditions entered by this Court on September 20, 2012, in the Order Suspending Sentence and Order of Probation filed on September 24, 2012, and as amended on May 23, 2012, in the Order Suspending Sentence and Reinstating Probation filed on May 24, 2013, with said probation amended to include the following special conditions:

KM

1. As a fundamental condition of probation, Defendant shall apply for participation in the Ada County Drug Court Program and shall successfully complete said program if accepted.

Cost of said program shall be at the Defendant's own expense.

2. Defendant may be required to serve an additional ninety (90) days in the Ada County Jail at the discretion of his probation officer. The Drug Court Judge may also order Defendant to serve up to ninety (90) days in the Ada County Jail.

3. Defendant shall remain in custody until such time as the Drug Court judge shall determine his status and when he may be released, as well as any terms of that release.

4. Defendant shall appear before Drug Court Judge Cheri Copsey at the Ada County Courthouse on the 26th day of February 2014 at 9:00 a.m.

The Defendant shall receive credit for four hundred five (405) days previously served.

The Defendant shall pay all fines, costs and fees previously imposed that have not been paid.

This probation shall expire at midnight on February 19, 2019, unless otherwise ordered by the Court.

DATED this 20th day of February 2014.


MIKE WETHERELL
District Judge

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.

Probationer Officer

Probationer

Date of Acceptance

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of February 2014, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

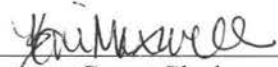
ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

CCD SENTENCING TEAM – DEPT OF CORRECTIONS
VIA E-MAIL

PROBATION & PAROLE
VIA E-MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk

Time	Speaker	Note
<u>11:25:03 AM</u>		DANIEL LEARY CR FE 11 18061 DRUG COURT APPLICATION
<u>11:25:41 AM</u>		Present: Catherine Freeman for the State, Nick Wollen for defense, defendant in custody
<u>11:25:46 AM</u>	Wollen	He's been placed on probation by Judge Wetherell. Underlying is $2.5 + 4.5 = 7$.
<u>11:26:31 AM</u>	Freeman	State's not objecting to Drug Court.
<u>11:26:46 AM</u>	Court	Inquires of Mr. Wollen.
<u>11:27:28 AM</u>	Court	Inquires of defendant.
<u>11:28:26 AM</u>		Defendant sworn, examined by the Court.
<u>11:29:24 AM</u>	Court	Find decision to enter Drug Court is knowing and voluntary.
<u>11:29:43 AM</u>	Defendant	I'll be living with my parents.
<u>11:30:13 AM</u>	Court	To be released today. 9:30pm curfew. DC 3/4/14 @ 2:15pm. Upon release, immediately contact TC and make appointment with Ms. Burton. 90 in 90. Carry green card. Rlse & Shine. UAs. Self-pay expanded opiate testing.
<u>11:31:50 AM</u>	Freeman	Mother of children on self-pay UAs?
<u>11:31:50 AM</u>	Defendant	That's Cassandra . My fiancée is Gina Treat.
<u>11:32:18 AM</u>	Court	NCO Gina Treat unless she signs up for UAs and has proven clean and sober.
<u>11:33:32 AM</u>		End of case

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF ADA IN AND FOR THE STATE OF IDAHO FEB 26 2014

CHRISTOPHER D. RICH, Clerk
By DEETH MASTERS
DEPUTY

**DRUG COURT ADVISORY FORM (JUDGE CHERI COPSEY) TO BE USED BY DEFENDANTS
WHO HAVE ALREADY PLED GUILTY IN ANOTHER COURT**

TO BE FILLED OUT BY THE DEFENDANT

Defendant's Name: Daniel Leroy Signature Dan Leroy
Date: 2/26/14 Case Number: CR-FE-11-18061
Age: 23 Date of Birth: _____

**STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS SPECIFIC TO DRUG COURT
(PLEASE INITIAL EACH RESPONSE)**

1. I understand I have the right to be represented by an attorney. If I want an attorney and cannot pay for one, I can ask the judge for an attorney who will be paid by the county. DL
2. **Termination from Drug Court.** I understand that if I choose to terminate or I am terminated from the Drug Court program by the Court, the Drug Court Judge will set my case for sentencing. I also understand that any violation of Drug Court rules or the **Conditions Of Release** may result in termination. I also understand that termination and sentencing will be done by my Drug Court Judge, not by a different Judge and I have no objection to my Drug Court Judge making that determination. Upon termination from the program, my ROR release/bond may be revoked pending sentencing. DL

I further understand that I could be terminated from Drug Court if I breach any express term or condition of any contract or if I am not satisfactorily progressing through the drug court program and treatment phases or if I am not doing what is expected of me. DL

Unless I waive my right to a hearing, once termination proceedings are begun the State would have the burden to prove the grounds for termination by a preponderance of the evidence; that I have a right to confront and cross examine those who would testify against me; that I have the right against self incrimination; that I have the right to put on a defense and to call witnesses on my behalf; and that I have a right to counsel. DL

I further understand that termination from Drug Court may result in the State filing a Motion for Probation Violation and that if I am found in violation of probation, the Court may impose the original sentence. DL

3. **Conditions of Release.** I understand that while I am a Drug Court participant, my ROR release or bond will be continued. However, my release will also be subject to conditions related to my participation in the Drug Court program. DL

I agree that these conditions include abstinence from illegal drugs and alcohol, compliance with my treatment program, attending scheduled Drug Court sessions,

paying program fees, compliance with all program rules and **making satisfactory progress towards graduation.** DL

I agree to at all times remain truthful with everyone with whom I deal, including but not limited to the Drug Court Judge, the Drug Court Coordinator, Drug Court staff and my treatment provider and I shall not cheat, tell any lie, or exaggerate or minimize my statements, conduct or actions in anyway. DL

I agree to comply with and obey any curfew that may be imposed by the Drug Court Staff or Drug Court Judge. DL

I agree to be tested for the use of substances, including alcohol, throughout the entire treatment process. I also agree any attempts to dilute, adulterate, or tamper with drug or alcohol testing, including any other participant's testing, may lead to termination from Drug Court. DL

I agree to complete any forms and/or contracts required by the Drug Court program. DL

I agree that the Court can revoke my ROR release and impose sanctions for failing to comply with these conditions of release. DL

I agree that I can be held without bond *for an indeterminate period of time* if I am in violation of any condition of my drug court agreement. DL

I agree to not take any over the counter drugs or herbal drugs/preparations (including preparations like "Spice" or any other substance in an attempt to get "high") **without a doctor's prescription**; however I can take ibuprophen (Advil), acetaminophen (Tylenol) or aspirin without a doctor's prescription. DL

I agree that I cannot use any products or foods that contain alcohol/ethanol, including mouthwash or hand sanitizers, or eat any product containing poppy seeds and that it is my responsibility to avoid these items. DL

I agree that I will be sanctioned if I test positive for alcohol or any other illegal drug. DL

I agree that if I attempt to dilute, adulterate, or tamper with drug or alcohol testing, including another participant's testing, that I may be sanctioned and such sanctions can include termination; I also agree I may be sanctioned for appearing late or failing to appear at any drug or alcohol testing. DL

I agree that I cannot associate or have contact with individuals specified by the probation officer or this Court and that can include family or friends. DL

I agree to respect and obey all laws and shall comply with any lawful request of Drug Court or any law enforcement officer or agent of the Department of Probation & Parole. DL

I agree that I will not associate or have contact with anyone who is committing a law violation; who is on probation or parole; or who is a convicted felon. I will also not associate or have contact with any group or individual as ordered by Drug Court or the Drug Court Coordinator. DL

I agree to seek and maintain employment, be enrolled as a fulltime student or participating in such programs as approved by Drug Court. I agree to obtain a GED, if I am not a high school graduate, before Drug Court Graduation unless an exemption is granted by the Drug Court Team. A change of employment or education shall not occur without prior written permission of the Drug Court Coordinator. DL

I agree that I shall not purchase, carry, own or have in my possession or control any firearm, ammunition, explosives, archery equipment, or weapons of any type and that this affects where I live. I agree to not possess or control any law enforcement or surveillance equipment, including but not limited to, scanners, video surveillance or handcuffs/keys. DL

I agree to pay all costs, fines and court ordered restitution and I understand I may not graduate until all costs, fines and court ordered restitution are fully paid. DL

4. **Fourth Amendment Waiver.** I understand I have the right to remain free from unreasonable searches and seizures and, normally, this means that law enforcement must have a search warrant issued by a judge before my person, place of residence or things can be searched. To participate in Drug Court, I agree to waive this right, and I agree and consent to the search and seizure of my person, automobile, real property, and any other property at any time and at any place by any probation officer or any person assisting a probation officer or law enforcement and I waive my constitutional right to be free from such searches and seizures for as long as I am a participant in the Drug Court. DL
5. **Firearms/Weapons.** I understand the probation department assists the drug court judge in monitoring progress and compliance in drug court and I will not be permitted to reside in any residence where firearms or other weapons are present. DL
6. **Graduation.** Upon graduation from the Drug Court program, I understand the Court will place me on unsupervised probation. DL
7. **Waive Confidentiality.** Treatment records are normally confidential. However, I understand I will be required to waive confidentiality. DL

QUESTIONS REGARDING ENTRY INTO DRUG COURT AS A TERM OF PROBATION

(Please answer every question. If you do not understand a question consult your attorney before answering.)

1. Are you currently under the care of a mental health professional? YES ☐ NO ☒
If you answered "yes," what is the mental health professional's name? _____
2. Have you ever been diagnosed with a mental health disorder? YES ☐ NO ☒
If you answered "yes," what was the diagnosis and when was it made? _____
3. Are you currently prescribed any medication? YES ☐ NO ☒

If you answered "yes," what medications are you taking at this time?

If you answered "yes," have you taken your prescription medication during the past 24 hours? YES ☐ NO ☒

4. In the last 24 hours, have you taken any medications or drugs, *INCLUDING over the counter drugs*, or consumed any alcoholic beverages? YES ☐ NO ☒

If "yes," what have you taken? _____

Do you believe this affects your ability to understand these questions, and make a reasoned and informed decision in this case? YES ☐ NO ☒

5. Is there any other reason that you would be unable to make a reasoned and informed decision in this case? YES ☐ NO ☒

If "yes," what is the reason? _____

6. Is your participation in Drug Court a condition of your probation? YES ☒ NO ☐

7. Do you understand that if you are terminated from Drug Court that you may be in violation of your probation? YES ☒ NO ☐

8. Do you feel you have had sufficient time to discuss your case with your attorney? YES ☒ NO ☐

9. As a result of agreeing to participate in Drug Court, do you understand you must inform all health care providers of your addiction in writing and obtain written verification from the physician that he/she has been notified when prescribing any medication? YES ☒ NO ☐

10. Are you agreeing to participate in Drug Court freely and voluntarily? YES ☒ NO ☐

11. Are you satisfied with your attorney? YES ☒ NO ☐

12. Have you received and reviewed a copy of the Drug Court Participant Handbook? YES ☒ NO ☐

13. Do you understand and agree that the Drug Court Judge has the authority to terminate you from the program for any single violation? YES ☒ NO ☐

14. Do you understand and agree that the Drug Court Judge can consider urinalysis and other substance abuse testing results without any testimony or evidence concerning how the test was performed, the scientific basis for the instruments, the chain of custody, and the accuracy of the testing results? YES ☒ NO ☐

15. Do you seek admission into the Drug Court Program, and accept all of its conditions and rules? YES ☒ NO ☐

16. Have you answered all questions on this Questionnaire truthfully and of your own free will? YES ☒ NO ☐

17. Do you swear under penalty of perjury that your answers to these questions are true and correct? YES ☒ NO ☐

I have answered the questions on pages 1-5 of this Drug Court Advisory Form truthfully. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 26 day of Feb, 2014.

Dan Leary
DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

[Signature]
DEFENDANT'S ATTORNEY

I have been advised and agree that Phase IV will last four months effective August 1, 2010.

Dated this 26 day of Feb, 2014.

Dan Leary
DEFENDANT

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED 3:30
P.M.
A.M.

* * *

FEB 26 2014

CHRISTOPHER D. RICH, Clerk
By BETH MASTERS
DEPUTY

STATE OF IDAHO

Plaintiff,

vs.

Daniel Leary
Defendant

CASE NO. CR-Ft-11-18061

CONSENT TO FUTURE
CONTACT

I, Daniel Leary, voluntarily agree to consent to future contact
(print name)
from the Ada County Fourth District Court - Drug Court Program and agree to provide
the Drug Court Program with information as requested after program completion. This
information will be used for program evaluation and may contain but is not limited to
information on alcohol or drug usage or treatment, family status, employment and
income, and criminal behavior/arrests. I understand that the information I submit will be
held confidential and will not be used against me in future criminal proceedings.

Signature Dan Leary

Date 2/26/14

Address 1695 Cleveland St.
Boise, Id

Telephone Number 713-2011

Message Number —

E-Mail Address —

Witness —

Date —

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

* * *

NO. _____ FILED _____
A.M. _____ P.M. 3:30

FEB 26 2014

CHRISTOPHER D. RICH, Clerk
By BETH MASTERS
DEPUTY

STATE OF IDAHO

Plaintiff,

vs.

Daniel Leary
Defendant

CASE NO. CR-ME-11-18061

PHASE I - CONTRACT

The Drug Court Treatment Program is made up of four treatment phases. Each phase requires attendance at group/individual counseling, homework assignments, 12-step meeting attendance, payment of Drug Court fees, and drug/alcohol screens. Attendance is mandatory. All absences are considered unexcused, unless you have approval from the Drug Court Judge or Drug Court Coordinator. No excuses will be considered for such things as child care problems, transportation difficulty, vacation, illness without doctor's excuse, employment conflicts, family problems, etc.

Your performance on this contract will be reported to the Judge to monitor your status in treatment.

Phase I is scheduled to last four months. During Phase I, you will be responsible for the following:

- 1) To attend treatment groups and complete all assignments including: (a) Pass new participant orientation quiz, (b) complete diagnostic criteria, (c) complete all worksheets for Matrix, (d) develop and keep a budget, (e) develop and keep a daily schedule (day planner), and (f) develop a treatment plan or identify treatment issues for Phase II.
- 2) To attend Individual Treatment sessions as directed.
- 3) To attend a minimum of three 12-step support groups or some other approved program per week. Remember to have your green card signed as proof of attendance and carry it on your person at all times. Verification of 12-step attendance may be required at any time. Obtain a 12-step sponsor; complete Step 1 with your sponsor.
- 4) To complete all homework assignments.
- 5) To inform the health care provider of your addiction and obtain written verification from the physician that he/she has been notified when prescribed any medication.

- 6) To remain free of all illegal drugs and all alcohol. Do not enter any establishment where the sale of alcohol is a major source of income. Alcohol must not be present in your home. Do not consume Energy drinks. This includes, but is not limited to, Red Bull, Monster and Wired. Do not take any over the counter medication except Aspirin, Ibuprofen, and Tylenol without a doctor's prescription. Provide Ada County Treatment Services with copies of all doctor ordered medications. It is possible that time spent on a prescribed narcotic or non-approved medication may not count as time toward graduation; however, all other requirements during that time will still be required.
- 7) To submit to all drug tests including, but not limited to, random urine, breath, and/or oral fluid drug screens.
- 8) To pay Drug Court fees.
- 9) To comply with Mentorship Program requirements. This includes going to a 12-step meeting within the first week of Phase I and maintaining weekly contact throughout Phase I with your assigned Mentor. You are required to submit a monthly report of your Mentor contacts.
- 10) To have a full-time job or be enrolled in school full time.
- 11) To attend orientation for G.E.D., if applicable.
- 12) To comply with each and every other order imposed by the Drug Court Judge.
- 13) To comply with a 9:30pm curfew.
- 14) To be courteous and compliant to the Probation and Parole Officers that will visit your residence on a regular basis throughout the duration of your participation in the Drug Court Program.

Other requirements: _____

Before progressing to Phase II, you must complete all of the requirements of Phase I and obtain a Sponsor.

This contract entered into on this 26th day of Feb, 2014.
Month Year

Chere Copsey
Drug Court Judge

I agree to all the terms and conditions set forth above.

Don Kemp
Defendant

JUDGE: CHERI COPSEY/ CLERK: BETH MASTERS/ CT REPORTER: KIM MADSEN/WALTON

CASE NUMBER: CR FE 11 18061

CASE NAME: STATE v DANIEL LEARY

DATE: 4 MARCH, 2014 SESSION: Copsey #. 21935

P.A.: CATHERINE FREEMAN

P.D.: NICHOLAS WOLLEN

Private:

☒ DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

☒ WARRANT ISSUED. BOND SET AT \$ No Bond /BOND FORFEITED/ROR REVOKED

DEFENDANT ARRAIGNED. TRUE COPY OF INFORMATION SERVED. TRUE NAME.

PLEA AGREEMENT:

DEFENDANT PLEADS GUILTY TO COUNT(S) (COUNT(S) DISMISSED).

COURT QUESTIONS DEFENDANT, ACCEPTS GUILTY PLEA AND ACCEPTS INTO DRUG COURT.

COURT ORDERS DEFENDANT TO REPORT TO MARREEN BURTON BY 5:00 NEXT DAY.

COURT ORDERS DEFENDANT TO ATTEND ALL COUNSELING AND TREATMENT SESSIONS.

COURT ORDERS DEFENDANT TO SUBMIT RANDOM UA'S/ STAY OFF DRUGS/ALCOHOL/

NOT GO PLACES W/ DRUGS/ALCOHOL PRESENT

COURT ORDERS DEFENDANT TO PAY THE \$15 WEEKLY FEE/\$25.00 ENTRY FEE./ PRIVATE PAY

DEFENDANT RELEASED ON HIS/HER OWN RECOGNIZANCE. CURFEW OF O'CLOCK

MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON

AT 8:30 AM BEFORE JUDGE DEF. ORDERED TO APPEAR.

MOTION FOR DISCHARGE FILED/ DEF ARRAIGNED ON MOTION/ DEFENDANT ADMITS/DENIES

SET FOR HEARING UPON DENIAL BY DEF./ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.

DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR PSI ORDERED/WAIVED

COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

☒ MATTER CONTINUES TO 3-11 AT 2:15 FOR REVIEW/ DEF. ORDERED TO APPEAR.

DEFENDANT PROMOTED TO PHASE II; PHASE III; PHASE IV.

DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

AA/NA HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT;

BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE-12 HOURS/DAYS; STUDY HALL- HOURS/DAYS;

CURFEW OF O'CLOCK;

DAILY CHECK-IN; ESSAY ON ; FAMILY WEEKEND FIND EMPLOYMENT

GRIEF GROUP; JAIL- DAYS- (TO BE SERVED); LAST CHANCE ESSAY PROGRAM;

LETTER OF APOLOGY TO ; NO CONTACT WITH Trenton Mackey;

OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION: RISE AND SHINE WITH RAEANN;

SILD- DAYS; 1 ON 1 COUNSELING; 12 STEP WKSHEETS; 90 AA/NA IN 90 DAYS; restart

missed R/S 3-3-14

Havent met w/ counselor yet, not been to groups yet

(OTHER)

DEFENDANT REMANDED INTO CUSTODY FOR / DEFENDANT RELEASED

Get PSI

000169

689140

NO. 9- FILED
A.M. P.M.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

MAY 16 2014

CHRISTOPHER D. RICH, Clerk
By MARSHA ROBINSON
DEPUTY

STATE OF IDAHO,
COUNTY OF ADA
Plaintiff,

vs.

DANIEL WILLIAM LEARY,
1695 Cleveland St
Boise, ID 83705
Defendant.

Case No: CR-FE-2011-0018061 .01.02

DRUG COURT BENCH WARRANT

[REDACTED]

The above-named defendant having been charged with the crime of:

- 1)..I37-2732C F..Controlled Substance-Use or Under the Influence F
- 2)..I20-222..Probation Violation F
- 3)..I20-222..Probation Violation F

and having failed to appear on **Tuesday, March 04, 2014 @ 02:15 PM for Drug Court**,

at: Ada County Courthouse – District Court
200 W. Front Street
Boise, Idaho 83702

as ordered by the Court; and

Said defendant having been released upon a bond in the amount of \$ROR, said bond is hereby declared forfeited for failure to appear as directed.

THIS IS TO COMMAND the Sheriff of Ada County, Idaho, or any peace officer of this State, to forthwith arrest the above-named defendant, and bring him/her before this Court.

Dated this 4th day of March, 2014.

By Cheri Copsey
CHERI COPSEY (DRUG COURT)
District Judge
Fourth District Court

BOND SET AT: \$ NO BOND Cash / Surety

RETURN OF SERVICE

I HEREBY CERTIFY that I served the foregoing Warrant by arresting the above named defendant and bringing **DANIEL WILLIAM LEARY** in Court this 15th day of MAY, 2014.

WOODCOCK 4978
(Deputy Sheriff) (State Policeman) (City Policeman)

ARRESTED
ADA COUNTY SHERIFF

RECEIVED
Ada County Sheriff
WARRANTS
MAR 05 2014
Gary Raney, Sheriff
BOISE, IDAHO

000170

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, DISTRICT DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

Daniel William Leary,

Defendant.

CASE NO. CR-FE-2011-0018061

☐ Ada ☐ Boise ☐ Garden City ☐ Meridian

Defense Attorney _____

Jury Demanded _____

Jury Waived _____

ADDRESS: 1695 Cleveland St Boise, ID 83705 Date of Offense: _____

CHARGE(s): I37-2732C F Controlled Substance-Use or Under the Influence F I20-222 Probation Violation
F I20-222 Probation Violation F

Filed: _____ Arraignment: _____ Amended: _____

Complainant: _____ BENCH WARRANT: _____ ☐ Yes ☐ No

BAIL: _____ BOND FORFEITURE: _____ CASE CLOSED: _____

PLEA: ☐ Guilty ☐ Not Guilty Continued for Plea to _____

JUDGE: Cheri Copsey (Drug Court) Trial set for: _____

DECISION: ☐ Acquitted ☐ Dismissed ☐ Guilty ☐ Withheld Judgment

PENALTY: FINE \$ _____ JAIL _____ COSTS \$ _____ PROBATION _____

REMARKS: _____

Done in Open Court on _____

Judge/Clerk

FURTHER PROCEEDINGS: _____

Judge/Clerk

JUDGE: **CHERI COPSEY**/ CLERK: BETH MASTERS/ CT REPORTER: KIM MADSEN/WAIVER

CASE NUMBER: **CR FE 11 18061**

CASE NAME: **STATE v DANIEL LEARY**

DATE: 20 MAY, 2014 SESSION: **Copsey #. 25744**

P.A.: DANIEL PETERSON

P.D.: NICHOLAS WOLLEN/CHERYL MUSGROVE

Private: _____

☒ DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

WARRANT ISSUED. BOND SET AT \$ _____ /BOND FORFEITED/ROR REVOKED

DEFENDANT ARRAIGNED. TRUE COPY OF INFORMATION SERVED. TRUE NAME.

PLEA AGREEMENT: _____

DEFENDANT PLEADS GUILTY TO COUNT(S) _____ (COUNT(S) _____ DISMISSED).

COURT QUESTIONS DEFENDANT, ACCEPTS GUILTY PLEA AND ACCEPTS INTO DRUG COURT.

COURT ORDERS DEFENDANT TO REPORT TO MARREEN BURTON BY 5:00 NEXT DAY.

COURT ORDERS DEFENDANT TO ATTEND ALL COUNSELING AND TREATMENT SESSIONS.

COURT ORDERS DEFENDANT TO SUBMIT RANDOM UA'S/ STAY OFF DRUGS/ALCOHOL/

NOT GO PLACES W/ DRUGS/ALCOHOL PRESENT

COURT ORDERS DEFENDANT TO PAY THE \$15 WEEKLY FEE/\$25.00 ENTRY FEE./ PRIVATE PAY

DEFENDANT RELEASED ON HIS/HER OWN RECOGNIZANCE. CURFEW OF _____ O'CLOCK

MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON

AT 8:30 AM BEFORE JUDGE _____ DEF. ORDERED TO APPEAR.

MOTION FOR DISCHARGE FILED/ DEF ARRAIGNED ON MOTION/ DEFENDANT ADMITS/DENIES

SET FOR HEARING UPON DENIAL BY DEF./ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.

DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR _____ PSI ORDERED/WAIVED

COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

☒ MATTER CONTINUES TO _____ AT 2:15 FOR REVIEW/ DEF. ORDERED TO APPEAR.

DEFENDANT PROMOTED TO _____ PHASE II; _____ PHASE III; _____ PHASE IV.

DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

AA/NA _____ HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT;

BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE- _____ HOURS/DAYS; STUDY HALL- _____ HOURS/DAYS;

CURFEW OF _____ O'CLOCK;

DAILY CHECK-IN; ESSAY ON Why Should He Be Allowed to Stay in DC FAMILY WEEKEND FIND EMPLOYMENT

GRIEF GROUP; JAIL- _____ DAYS- (TO BE SERVED _____); LAST CHANCE ESSAY PROGRAM;

LETTER OF APOLOGY TO _____; NO CONTACT WITH _____;

OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION: RISE AND SHINE WITH RAEANN;

SILD- _____ DAYS; 1 ON 1 COUNSELING; 12 STEP WKSHEETS; 90 AA/NA IN 90 DAYS;

Remain it as homework, targeted essay
Essay to keep going by end of next week (OTHER)

DEFENDANT REMANDED INTO CUSTODY FOR _____ / DEFENDANT RELEASED

000172

JUDGE: COPSEY/ CLERK: BETH MASTERS/ CT REPORTER: KIM MADSEN/WAIVED

CASE NUMBER: CR FE 11 18061

CASE NAME: STATE v DANIEL LEARY

DATE: 10 JUNE, 2014 SESSION: Copsey #. _____

P.A.: DANIEL PETERSON

P.D.: NICHOLAS WOLLEN/CHERYL MUSGROVE

Private: _____

_____ DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

_____ WARRANT ISSUED. BOND SET AT \$ _____ /BOND FORFEITED/ROR REVOKED

=====

_____ DEFENDANT ARRAIGNED. _____ TRUE COPY OF INFORMATION SERVED. _____ TRUE NAME.

PLEA AGREEMENT: _____

_____ DEFENDANT PLEADS GUILTY TO COUNT(S) _____ (COUNT(S) _____ DISMISSED).

_____ COURT QUESTIONS DEFENDANT, ACCEPTS GUILTY PLEA AND ACCEPTS INTO DRUG COURT.

_____ COURT ORDERS DEFENDANT TO REPORT TO MARREEN BURTON BY 5:00 NEXT DAY.

_____ COURT ORDERS DEFENDANT TO ATTEND ALL COUNSELING AND TREATMENT SESSIONS.

_____ COURT ORDERS DEFENDANT TO SUBMIT RANDOM UA'S/ STAY OFF DRUGS/ALCOHOL/

NOT GO PLACES W/ DRUGS/ALCOHOL PRESENT

_____ COURT ORDERS DEFENDANT TO PAY THE \$15 WEEKLY FEE/\$25.00 ENTRY FEE./ _____ PRIVATE PAY

_____ DEFENDANT RELEASED ON HIS/HER OWN RECOGNIZANCE. CURFEW OF _____ O'CLOCK

=====

_____ MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON

AT 8:30 AM BEFORE JUDGE _____ DEF. ORDERED TO APPEAR.

=====

☒ MOTION FOR DISCHARGE FILED/ _____ DEF ARRAIGNED ON MOTION/ _____ DEFENDANT ADMITS/DENIES

_____ SET FOR HEARING UPON DENIAL BY DEF./ _____ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.

_____ DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR _____ PSI ORDERED/WAIVED

=====

_____ COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

☒ MATTER CONTINUES TO _____ AT 2:15 FOR REVIEW/ _____ DEF. ORDERED TO APPEAR.

_____ DEFENDANT PROMOTED TO _____ PHASE II; _____ PHASE III; _____ PHASE IV.

_____ DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

=====

AA/NA _____ HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT;

BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE- _____ HOURS/DAYS; STUDY HALL- _____ HOURS/DAYS;

CURFEW OF _____ O'CLOCK;

DAILY CHECK-IN; ESSAY ON _____; FAMILY WEEKEND FIND EMPLOYMENT

GRIEF GROUP; JAIL- _____ DAYS- (TO BE SERVED _____); LAST CHANCE ESSAY PROGRAM;

LETTER OF APOLOGY TO _____; NO CONTACT WITH _____;

OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION: RISE AND SHINE WITH RAEANN;

SILD- _____ DAYS; 1 ON 1 COUNSELING; 12 STEP WKSHEETS; 90 AA/NA IN 90 DAYS;

_____ (OTHER)

=====

_____ DEFENDANT REMANDED INTO CUSTODY FOR _____ / _____ DEFENDANT RELEASED

000173

JUN 10 2014

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CHRISTOPHER D. RICH, Clerk
By BETH MASTERS
DEPUTY

STATE OF IDAHO
Plaintiff,

CASE NO: F 11 18061

vs.
Daniel Larry
Defendant,

ORDER FOR JAIL PROGRAM(S)

For good cause appearing, the defendant shall participate in the following Ada County Sheriff's in-custody program(s) on the next available date: when space is available.

Substance Abuse Program (SAP)

X Active Behavior Change (ABC):

The court further ORDERS Defendant shall be enrolled in the following ABC emphasis:

ABC-MRT (Moral Recognition Therapy)

ABC-AM (Anger Management)

Said participation shall be at the expense of:

Defendant

X Ada County (Interlock Fund), Idaho Code 18-8010

The necessary funds shall be transferred from the Interlock Fund, if funds are available, to the Ada County Sheriff's account to pay for the defendant's participation. The Ada County Treasurer, the Ada County Clerk, and the Ada County Sheriff shall comply with all necessary steps to facilitate the actual transfer of funds.

The defendant is hereby placed on notice that he/she will be subject to making restitution to or reimbursing Ada County for any and all monies used from the Interlock Fund for his/her participation in the above program(s).

ORDER FOR DEFENDANT TO BE EVALUATED FOR THE ADA COUNTY JAIL
SUBSTANCE ABUSE PROGRAM AND ACCESS THE INTERLOCK FUND, Page 1

IT IS ALSO ORDERED, That the court be notified if the defendant is or is not accepted into the program, and that a certificate of completion shall be delivered to the Court upon the Defendant's completion of the program. Defendant is not to be released until further order of the court.

DATED This 10th day of June, 2014.

Cheri C. Copsey
CHERI C. COPSEY
District Judge

Clerk will provide copies to:

☒ Public Defender ☒ Prosecutor ☒ TCA ☐ Ada County Jail Programs

By: Beth Masters
Beth Masters
Deputy Clerk

ORDER FOR DEFENDANT TO BE EVALUATED FOR THE ADA COUNTY JAIL
SUBSTANCE ABUSE PROGRAM AND ACCESS THE INTERLOCK FUND, Page 2

JUN 17 2014

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CHRISTOPHER D. RICE, CLERK
By BETH MASTERS
DEPUTY

STATE OF IDAHO
Plaintiff,

CASE NO: F 11 18061

vs.
Daniel Leroy
Defendant,

ORDER FOR JAIL PROGRAM(S)

For good cause appearing, the defendant shall participate in the following Ada County Sheriff's in-custody program(s) on the next available date: when space is available.

☐ Substance Abuse Program (SAP)

☒ Active Behavior Change (ABC):

The court further ORDERS Defendant shall be enrolled in the following ABC emphasis:

☐ ABC-MRT (Moral Recognition Therapy)

☐ ABC-AM (Anger Management)

Said participation shall be at the expense of:

☐ Defendant

☒ Ada County (Interlock Fund), Idaho Code 18-8010

The necessary funds shall be transferred from the Interlock Fund, if funds are available, to the Ada County Sheriff's account to pay for the defendant's participation. The Ada County Treasurer, the Ada County Clerk, and the Ada County Sheriff shall comply with all necessary steps to facilitate the actual transfer of funds.

The defendant is hereby placed on notice that he/she will be subject to making restitution to or reimbursing Ada County for any and all monies used from the Interlock Fund for his/her participation in the above program(s).

ORDER FOR DEFENDANT TO BE EVALUATED FOR THE ADA COUNTY JAIL
SUBSTANCE ABUSE PROGRAM AND ACCESS THE INTERLOCK FUND, Page 1


IT IS ALSO ORDERED, That the court be notified if the defendant is or is not accepted into the program, and that a certificate of completion shall be delivered to the Court upon the Defendant's completion of the program. Defendant is not to be released until further order of the court.


DATED This 17th day of June, 2018


CHERI C. COPSEY
District Judge

Clerk will provide copies to:

☒ Public Defender ☒ Prosecutor ☒ TCA ☒ Ada County Jail Programs

By: 
Beth Masters
Deputy Clerk



JUDGE: COPSEY/ CLERK: BETH MASTERS/ CT REPORTER: KIM MADSEN/WAIVED

CASE NUMBER: CR FE 11 18061

CASE NAME: STATE v DANIEL LEARY

DATE: 29 JULY, 2014 SESSION: Copsey #. 24707

P.A.: DANIEL PETERSON

P.D.: NICK WOLLEN / JOSH TAYLOR

Private: _____

_____ DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

_____ WARRANT ISSUED. BOND SET AT \$ _____ /BOND FORFEITED/ROR REVOKED

=====

_____ MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON
_____ AT 8:30 AM BEFORE JUDGE _____ DEF. ORDERED TO APPEAR.

=====

_____ MOTION FOR DISCHARGE FILED/ _____ DEF ARRAIGNED ON MOTION/ _____ DEFENDANT ADMITS/DENIES

_____ SET FOR ADMIT/DENY _____

_____ SET FOR HEARING UPON DENIAL BY DEF./ _____ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.

_____ DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR _____ PSI ORDERED/WAIVED

=====

_____ COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

X _____ MATTER CONTINUES TO 8-5 AT 2:15 FOR REVIEW/ _____ DEF. ORDERED TO APPEAR.

_____ DEFENDANT PROMOTED TO _____ PHASE II; _____ PHASE III; _____ PHASE IV.

_____ DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

_____ DEF. SUCCESSFULLY COMPLETE THE DRUG COURT PROGRAM. PLACED ON UNSUPERVISED PROBATION.

=====

AA/NA _____ HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT; BOUNDARIES;
BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE- _____ HOURS/DAYS; STUDY HALL- _____ HOURS/DAYS;
CURFEW OF _____ 0'CLOCK; DAILY CHECK-IN; ESSAY ON _____;
FAMILY WEEKEND; FIND EMPLOYMENT; GRIEF GROUP; JAIL- _____ DAYS- (TO BE SERVED _____);
LAST CHANCE ESSAY PROGRAM; LETTER OF APOLOGY TO _____; NEW PARTICIPANT ORIENTATION;
NO CONTACT WITH _____; OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION;
RISE AND SHINE WITH RAEANN; SILD- _____ DAYS; STEP-UP; 1 ON 1 COUNSELING; 12 STEP WKSHEETS;
90 AA/NA IN 90 DAYS.

Get file for judge

_____ DEFENDANT REMANDED INTO CUSTODY FOR _____

_____ DEFENDANT RELEASED _____

JUDGE: COPSEY/ CLERK: BETH MASTERS/ CT REPORTER: KIM MADSEN/WAIVED

CASE NUMBER: CR FE 11 18061

CASE NAME: STATE v DANIEL LEARY

DATE: 5 AUGUST, 2014 SESSION: Copsey #. 2:33:56

P.A.: DANIEL PETERSON

P.D.: NICK WOLLEN / JOSH TAYLOR

Private: _____

X DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

WARRANT ISSUED. BOND SET AT \$ _____ /BOND FORFEITED/ROR REVOKED

_____ MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON

AT 8:30 AM BEFORE JUDGE _____ DEF. ORDERED TO APPEAR.

_____ MOTION FOR DISCHARGE FILED/ _____ DEF ARRAIGNED ON MOTION/ _____ DEFENDANT ADMITS/DENIES

SET FOR ADMIT/DENY _____

SET FOR HEARING UPON DENIAL BY DEF./ _____ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.

DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR _____ PSI ORDERED/WAIVED

X COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

X MATTER CONTINUES TO 8-12 AT 2:15 FOR REVIEW/ _____ DEF. ORDERED TO APPEAR.

DEFENDANT PROMOTED TO _____ PHASE II; _____ PHASE III; _____ PHASE IV.

DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

DEF. SUCCESSFULLY COMPLETE THE DRUG COURT PROGRAM. PLACED ON UNSUPERVISED PROBATION.

AA/NA _____ HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT; BOUNDARIES;
BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE- _____ HOURS/DAYS; STUDY HALL- _____ HOURS/DAYS;
CURFEW OF 9:30 PM 0'CLOCK; DAILY CHECK-IN; ESSAY ON _____;
FAMILY WEEKEND; FIND EMPLOYMENT; GRIEF GROUP; JAIL- _____ DAYS- (TO BE SERVED _____);
LAST CHANCE ESSAY PROGRAM; LETTER OF APOLOGY TO _____; NEW PARTICIPANT ORIENTATION;
NO CONTACT WITH All inmates; OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION;
RISE AND SHINE WITH RAEANN; SILD- _____ DAYS; STEP-UP; 1 ON 1 COUNSELING; 12 STEP WKSHEETS;
90 AA/NA IN 90 DAYS.

Base Mission. - A admonished to follow rules

_____ DEFENDANT REMANDED INTO CUSTODY FOR _____

X DEFENDANT RELEASED Morning 8-6-14

AUG 11 2014

CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Daniel E. Peterson

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Phone: 287-7700

Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DANIEL WILLIAM LEARY,

Defendant.

Case No. CR- FE-2011-0018061

**VERIFIED APPLICATION TO
REVOKE O.R. RELEASE OR
RELEASE ON BOND**


COMES NOW, Daniel E. Peterson, Deputy Prosecuting Attorney, in and for Ada County, State of Idaho, and moves this Court for its Order pursuant to I.C.R. 46(e)(2) to revoke its earlier order for own recognizance release or release on bail for the following reason:

The above defendant has willfully violated the conditions of release as more fully set forth and described in the attached report of Monica Nyman dated August 11, 2014.

The undersigned verifies that the allegations are true and correct to the best of his information and belief. The undersigned respectfully requests that the Court issue a warrant directing that the defendant be arrested and brought before the Court for hearing.

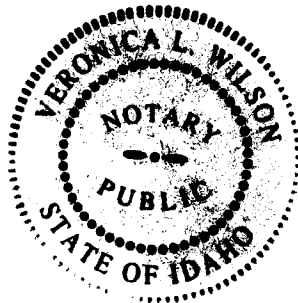
RESPECTFULLY SUBMITTED this 11 day of August 2014.

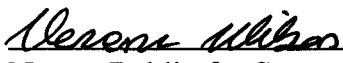
GREG H. BOWER
Ada County Prosecuting Attorney



Daniel E. Peterson
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 11th day of August 2014.





Notary Public for State of Idaho
Residing in Boise
Commission expires: 12-16-2015

REPORT OF VIOLATION
DRUG COURT CONDITIONS

NAME: DANIEL WILLIAM LEARY

CASE NO CR FE 11 18061

The above-named Defendant has violated the conditions of Drug Court as follows:

- ☐ Failed to contact the Problem Solving Court Coordinator within 24 hours after being released to schedule orientation after acceptance into Drug Court.
- ☐ Did not contact Ada County Treatment Services Center within 24 hours to schedule assessment.
- ☐ Did not attend treatment sessions on the date(s) listed:

☒ Other: Absent from ROL Mission on 8/8, 8/9, and 8/10. Unexcused from UA on 8/10/14.

My knowledge of the Defendant's non-compliance is based upon:

☐ My personal knowledge.

☒ Information given me by: **ADA COUNTY TREATMENT SERVICES
CENTER**


Monica Nyman

Date

Assistant Problem Solving Courts Coordinator

8.11.14

Monday, August 11, 2014

JUDGE: COPSEY/ CLERK: BETH MASTERS/ CT REPORTER: KIM MADSEN/WAIVED

CASE NUMBER: CR FE 11 18061

CASE NAME: STATE v DANIEL LEARY

DATE: 12 AUGUST, 2014 SESSION: Copsey #. 22524

P.A.: DANIEL PETERSON

P.D.: NICK WOLLEN / JOSH TAYLOR

Private:

☒ DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

☒ WARRANT ISSUED. BOND SET AT \$ No Bond /BOND FORFEITED/ROR REVOKED

MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON
AT 8:30 AM BEFORE JUDGE DEF. ORDERED TO APPEAR.

MOTION FOR DISCHARGE FILED/ DEF ARRAIGNED ON MOTION/ DEFENDANT ADMITS/DENIES
SET FOR ADMIT/DENY

SET FOR HEARING UPON DENIAL BY DEF./ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.
DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR PSI ORDERED/WAIVED

COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

MATTER CONTINUES TO AT 2:15 FOR REVIEW/ DEF. ORDERED TO APPEAR.

DEFENDANT PROMOTED TO PHASE II; PHASE III; PHASE IV.

DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

DEF. SUCCESSFULLY COMPLETE THE DRUG COURT PROGRAM. PLACED ON UNSUPERVISED PROBATION.

AA/NA HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT; BOUNDARIES;
BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE- HOURS/DAYS; STUDY HALL- HOURS/DAYS;
CURFEW OF O'CLOCK; DAILY CHECK-IN; ESSAY ON ;
FAMILY WEEKEND; FIND EMPLOYMENT; GRIEF GROUP; JAIL- DAYS- (TO BE SERVED);
LAST CHANCE ESSAY PROGRAM; LETTER OF APOLOGY TO ; NEW PARTICIPANT ORIENTATION;
NO CONTACT WITH ; OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION;
RISE AND SHINE WITH RAEANN; SILD- DAYS; STEP-UP; 1 ON 1 COUNSELING; 12 STEP WKSHEETS;
90 AA/NA IN 90 DAYS.

Absent mission 3d; missed UA

Moldisch to be filed

Warrant issued this morning

DEFENDANT REMANDED INTO CUSTODY FOR

DEFENDANT RELEASED

687140

NO. 11- FILED 12 P.M.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF ~~NOV~~ **NOV** 12 2014
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
COUNTY OF ADA
Plaintiff,

vs.

DANIEL WILLIAM LEARY,
1695 Cleveland St
Boise, ID 83705
Defendant.

Defendant.

RECEIVED
Ada County Sheriff
WARRANTS

AUG 12 2014

Gary Raney, Sheriff
BOISE, IDAHO

Case No: CR-FE-2011-0018061

DRUG COURT BENCH WARRANT

DOB: 9/23/1990
SSN: XXX-XX-8407

CHRISTOPHER D. RICH, Clerk
By MARSHA ROBINSON
DEPUTY

01.03

The above-named defendant having been charged with the crime of:

- 1)..I37-2732C F..Controlled Substance-Use or Under the Influence F
- 2)..I20-222..Probation Violation F
- 3)..I20-222..Probation Violation F

and having failed to comply with the terms and conditions for participation in Drug Court as set forth in the Verified Application to Revoke Bond/ROR filed with the court; and

Said defendant having been released upon his own recognizance, said O.R. release is hereby revoked for failure to comply as directed.

THIS IS TO COMMAND the Sheriff of Ada County, Idaho, or any peace officer of this State, to forthwith arrest the above-named defendant, and bring him/her before this Court.

Dated this 12th day of August, 2014.

By Cheri Copsey
CHERI COPSEY (DRUG COURT)
District Judge
Fourth District Court

BOND SET AT: \$ NO BOND Cash / Surety

RETURN OF SERVICE

I HEREBY CERTIFY that I served the foregoing Warrant by arresting the above named defendant and bringing **DANIEL WILLIAM LEARY** in Court this 11 day of Nov, 2014.

DEPUTY J. T. Hozoyke #5557
(Deputy Sheriff) (State Policeman) (City Policeman)

ARRESTED
ADA COUNTY SHERIFF

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, DISTRICT DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

Daniel William Leary,

Defendant.

CASE NO. CR-FE-2011-0018061

☐ Ada ☐ Boise ☐ Garden City ☐ Meridian

Defense Attorney _____

Jury Demanded _____

Jury Waived _____

ADDRESS: 1695 Cleveland St Boise, ID 83705 Date of Offense: _____

CHARGE(s): I37-2732C F Controlled Substance-Use or Under the Influence F I20-222 Probation Violation
F I20-222 Probation Violation F

Filed: _____ Arraignment: _____ Amended: _____

Complainant: _____ BENCH WARRANT: _____ ☐ Yes ☐ No

BAIL: _____ BOND FORFEITURE: _____ CASE CLOSED: _____

PLEA: ☐ Guilty ☐ Not Guilty Continued for Plea to _____

JUDGE: Cheri Copsey (Drug Court) Trial set for: _____

DECISION: ☐ Acquitted ☐ Dismissed ☐ Guilty ☐ Withheld Judgment

PENALTY: FINE \$ _____ JAIL _____ COSTS \$ _____ PROBATION _____

REMARKS: _____

Done in Open Court on _____

Judge/Clerk

FURTHER PROCEEDINGS: _____

Judge/Clerk

JUDGE: COPSEY/ CLERK: BETH MASTEN / CT REPORTER: KIM MADSEN/WAIVED

CASE NUMBER: CR FE 11 18061

CASE NAME: STATE v DANIEL LEARY

DATE: 18 NOVEMBER, 2014

SESSION: Copsey #.

22829

P.A.: DANIEL PETERSON

P.D.: LANCE FUISTING / JOSH TAYLOR

Private: _____

☒ DEFENDANT PRESENT/NOT PRESENT. (ROR/CUSTODY)

WARRANT ISSUED. BOND SET AT \$ _____ /BOND FORFEITED/ROR REVOKED

_____ MATTER REMANDED TO MAGISTRATE DIVISION FOR PRELIMINARY HEARING ON

AT 8:30 AM BEFORE JUDGE _____

DEF. ORDERED TO APPEAR.

☒ MOTION FOR DISCHARGE FILED/ ☒ DEF ARRAIGNED ON MOTION/ _____ DEFENDANT ADMITS/DENIES

☒ SET FOR ADMIT/DENY

11-26-14

1:30 pm

SET FOR HEARING UPON DENIAL BY DEF./ _____ SET FOR EXPEL/RETAIN UPON ADMISSION BY DEF.

DEFENDANT IS EXPELLED FROM DRUG COURT. SENTENCING SET FOR _____ PSI ORDERED/WAIVED

_____ COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

_____ MATTER CONTINUES TO _____ AT 2:15 FOR REVIEW/ _____ DEF. ORDERED TO APPEAR.

_____ DEFENDANT PROMOTED TO _____ PHASE II; _____ PHASE III; _____ PHASE IV.

_____ DEF. SUCCESSFULLY COMPLETES THE DRUG COURT PROGRAM. PLEA WITHDRAWN, CASE DISMISSED

_____ DEF. SUCCESSFULLY COMPLETE THE DRUG COURT PROGRAM. PLACED ON UNSUPERVISED PROBATION.

AA/NA _____ HOURS PER WEEK; ALUMNI PANEL; ANGER MGT; BEHAVIORAL CONTRACT; BOUNDARIES;
BREATHALYZERS-DAILY/WKENDS/OFF; COMMUNITY SERVICE- _____ HOURS/DAYS; STUDY HALL- _____ HOURS/DAYS;
CURFEW OF _____ O'CLOCK; DAILY CHECK-IN; ESSAY ON _____;
FAMILY WEEKEND; FIND EMPLOYMENT; GRIEF GROUP; JAIL- _____ DAYS- (TO BE SERVED _____);
LAST CHANCE ESSAY PROGRAM; LETTER OF APOLOGY TO _____; NEW PARTICIPANT ORIENTATION;
NO CONTACT WITH _____; OBTAIN SPONSER; PYMNT PLAN; RELAPSE PREVENTION;
RISE AND SHINE WITH RAEANN; SILD- _____ DAYS; STEP-UP; 1 ON 1 COUNSELING; 12 STEP WKSHEETS;
90 AA/NA IN 90 DAYS.

_____ DEFENDANT REMANDED INTO CUSTODY FOR _____

_____ DEFENDANT RELEASED _____

Time	Speaker	Note
<u>2:38:29 PM</u>		DANIEL LEARY CR FE 11 18061 MO/DISCHARGE; MO/PV
<u>2:38:30 PM</u>		Present: Dan Peterson for the State, Lance Fuisting for defense, defendant in custody
<u>2:38:30 PM</u>	Court	Advice of allegations; advice of underlying sentence.
<u>2:39:38 PM</u>	Court	Admit/Deny 11/26/14 @ 1:30pm.
<u>2:39:46 PM</u>		End of case

NOV 18 2014
FILED
A.M. P.M.

GREG H. BOWER
Ada County Prosecuting Attorney

NOV 18 2014
CHRISTOPHER D. RICH, Clerk
By **BETH MASTERS**
DEPUTY

Daniel E Peterson
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
DANIEL W LEARY,)
)
Defendant.)
_____)

Case No. CR-FE-2011-0018061

**MOTION FOR BENCH
WARRANT FOR
PROBATION VIOLATION**

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Daniel E Peterson, Deputy Prosecuting Attorney for Ada County,
State of Idaho, being first duly sworn, deposes and says:

That on the 2nd day of February 2012, the Defendant pled guilty to POSSESSION
OF A CONTROLLED SUBSTANCE, FELONY, and that on the 17th day of May 2012,
this Court retained jurisdiction, and that on the 20th day of September 2012, this Court

**MOTION FOR BENCH WARRANT FOR
PROBATION VIOLATION (LEARY/CR-FE-2011-0018061), Page 1**

000188

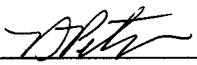
placed the Defendant on probation for a period of five (5) years, and that on the 3rd day of January 2013, the Defendant pled guilty to PROBATION VIOLATION, FELONY, and that on the 17th day of January 2013, this Court retained jurisdiction, and that on the 23rd day of May 2013, this Court reinstated probation for a period of five (5) years, and that on the 16th day of January 2014, the Defendant pled guilty to PROBATION VIOLATION, FELONY, and that on the 20th day of February 2014, this Court reinstated, amended, and extended probation for a period of five (5) years.

This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

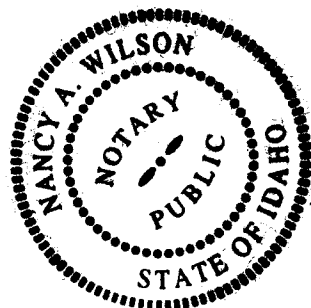
1. Failing to successfully complete the Ada County Drug Court;
2. Failing to pay fees, funds, surcharges and/or costs as ordered by the Court (please see attached computer printout), and by;
3. Failing to pay restitution as ordered by the Court (please see attached computer printout).

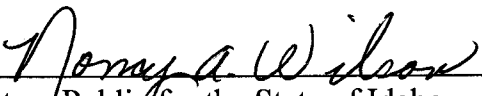
WHEREFORE, your affiant prays for an Order of this Court directing the Clerk of the Court to issue a Bench Warrant for the arrest of the Defendant requiring that he be arrested and brought before this Court on the arraignment day next following his arrest, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Daniel E Peterson
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 23 day of Apr May 2014.




Notary Public for the State of Idaho
Residing at Nampa, Idaho
Commission Expires: Dec 14, 2017.

Date: 5/23/2014

Fourth Judicial District Court - Ada County

User: PRWRIGAL

Time: 11:43 AM

Ledger

Page 1 of 3

For Case CR-FE-2011-0018061

	Type	Amount	Entered		Approved
Leary, Daniel William					
I37-2732C {F}					
Fine	Original	0.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	0.00			
POST Fee	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Victim Comp. - Felony	Original	75.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	75.00			
Administrative Surcharge - Misd/Fel	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
ISTARS Tech Fund	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Court Costs - Misd/Fel	Original	17.50	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	17.50			
Peace Officer and Detention Officer Temporary Disability Fee	Original	3.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	3.00			
Domestic Violence / Substance Abuse Fee	Original	30.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	30.00			
Emergency Surcharge - Felony	Original	100.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	100.00			
Drug Violations Hotline Fee	Original	10.00	5/17/2012	DCOATMAD	DCOATMAD
	Item total:	10.00			
Community Service Insurance	Original	60.00	9/20/2012	DCOATMAD	
	Item total:	60.00			
	Charge amount due:	325.50			

PV000001

000191

Type

Amount Entered

Approved

Leary, Daniel William

Restitution

DRUG ENFORCEMENT DONATION	Original	100.00	5/17/2012	DCOATMAD	
DRUG ENFORCEMENT DONATION	Adjustment	1.08	7/2/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	8/1/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	9/4/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	10/1/2012	JVSLAMTG	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	11/1/2012	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	12/3/2012	TCPACKCF	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	1/2/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.40	2/1/2013	TCMORGAM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	3/1/2013	TCMORGAM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	4/1/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	5/1/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	6/3/2013	CCKINGAJ	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	7/1/2013	TCMCCOSL	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	8/1/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	9/3/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.45	10/1/2013	MCBIEHKJ	BatchRun
				Victim Restitution Interest Applied	
DRUG ENFORCEMENT DONATION	Adjustment	.43	11/1/2013	MAHICKTM	BatchRun
				Victim Restitution Interest Applied	

PV000002

000192

Date: 5/23/2014

Fourth Judicial District Court - Ada County

User: PRWRIGAL

Time: 11:43 AM

Ledger

Page 3 of 3

For Case CR-FE-2011-0018061

Type	Amount	Entered	Approved
Leary, Daniel William			
Restitution			
DRUG ENFORCEMENT DONATION Adjustment	.89	1/2/2014 CCKINGAJ	BatchRun Victim Restitution Interest Applied
DRUG ENFORCEMENT DONATION Adjustment	.40	2/3/2014 JVSLAMTG	BatchRun Victim Restitution Interest Applied
DRUG ENFORCEMENT DONATION Adjustment	.45	3/3/2014 MAHICKTM	BatchRun Victim Restitution Interest Applied
DRUG ENFORCEMENT DONATION Adjustment	.43	4/1/2014 JVSLAMTG	BatchRun Victim Restitution Interest Applied

Item total: 110.28

Total Amount Due: 435.78

PV000003

000193

NO. _____ FILED _____
A.M. _____ P.M. 2

NOV 18 2014

CHRISTOPHER D. RICH, C.
By BETH MASTERMAN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Daniel E. Peterson
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR FE 2011-0018061
)	
vs.	)	MOTION FOR DISCHARGE FROM
	)	ADA COUNTY DRUG COURT
DANIEL WILLIAM LEARY,	)	PROGRAM
)	
Defendant.)	
_____)	

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Daniel E. Peterson, Deputy Prosecuting Attorney for Ada County,
State of Idaho, being first duly sworn, deposes and says:

That an Information was filed on the 21st day of December 2011 charging the
Defendant with the crime(s) of POSSESSION OF A CONTROLLED SUBSTANCE,
FELONY, I.C. §37-2732(c); and

**MOTION FOR DISCHARGE FROM ADA COUNTY
DRUG COURT PROGRAM. (LEARY-FE 11-18061), Page 1**

000194

That on the 2nd day of February 2012, the Defendant pled guilty to the charge of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c); and

That on the 17th day of May 2012, the Court issued its Judgment of Conviction and Order Retaining Jurisdiction; the Court then issuing its Order Suspending Sentence and Order of Probation on the 24th day of September 2012 placing the Defendant on probation for five (5) years; and

That the Defendant having violated his orders of probation pled guilty to the charge of PROBATION VIOLATION FELONY on the 3rd day of January 2013, Defendant admitting to allegations 1, 4, 5, and 10 with the Court dismissing Allegations, 2, 3, 6, 7, 8, 9, 11, and 12; and

That the Court issued its Order or Revocation of Probation, Imposition of Sentence and Order Retaining Jurisdiction on the 17th day of January 2013; and the Court then issuing its Order Suspending Sentence and Reinstating Probation on the 23rd day of May 2013; the Court reinstated Defendant's probation for a period five (5) years, beginning May 23, 2013; and

That the Defendant having violated his orders of probation pled guilty to the charge of PROBATION VIOLATION, FELONY on the 16th day of January 2014; Defendant admitting to allegations 4 and 5 with the Court dismissing allegations 1, 2, and 3; and

That on the 20th day of February 2014, the Court issued its Order Reinstating, Amending and Extending Probation, Defendant's probation to be reinstated, and extended to February 19, 2019, a fundamental condition of that probation being that the Defendant should apply for participation in the Ada County Drug Court Program and should successfully complete said program, if accepted.

This Court required, and the Defendant agreed, that as a condition of Ada County Drug Court he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of Drug Court.


That the Defendant violated the above-mentioned term of his Ada County Drug Court agreement by:

1. That on or about March 3, 2014, Defendant was unexcused from Rise and Shine.
2. That on or about March 4, 2014, Defendant was unexcused from Rise and Shine.
3. That on or about March 4, 2014, Defendant absconded from the Ada County Drug Court.

WHEREFORE, your affiant prays for an Order of this Court removing Defendant from Ada County Drug Court Program for failure to adhere to Drug Court rules and regulations.

DATED this 9 day of June, 2014.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Daniel E. Peterson
Deputy Prosecuting Attorney

NOV 19 2014

CHRISTOPHER D. RICH, Clerk
By COURTNEY PACKER
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Daniel E Peterson
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2011-0018061
)	
vs.	)	ORDER FOR BENCH WARRANT FOR
	)	PROBATION VIOLATION
DANIEL W LEARY,)	
)	
Defendant.)	
_____)	

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of the Court issue a Bench Warrant for the arrest of the Defendant requiring that he be arrested at any time during the day or night and brought before this Court on the arraignment day next following his arrest.

It is further ordered that the above-named Defendant shall remain on active probationary status and be subject to all requirements of his probation order during the pendency of these

proceedings, unless the Defendant meets the criteria for absconding. Bond is set at \$no bond
_____ pending arraignment on the Bench Warrant.

DATED this 19th day of Nov 2014.

Clara Capsey
Judge

BOND SET AT:

\$ no bond Cash/Surety
\$ _____ Cash
\$ _____ Surety

687140

NO. _____
A.M. 9- P.M. FILED

NOV 21 2014

CHRISTOPHER D. RICH, Clerk
By MARSHA ROBINSON
DEPUTY

DR# 11-127445

GREG H. BOWER

Ada County Prosecuting Attorney

Daniel E Peterson

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Phone: 287-7700

Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

DANIEL W LEARY,)

Defendant.)

CR-FE-2011-0018061 01.04
Case No. CR-FE-2011-0018061

**BENCH WARRANT FOR
PROBATION VIOLATION**

DOB:

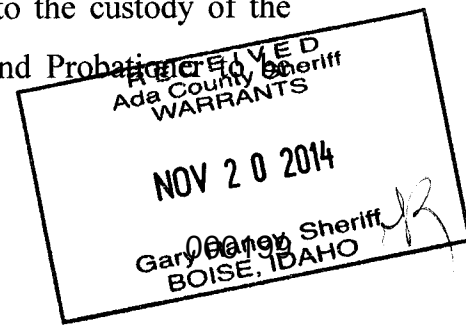
9-23-90

**ARRESTED
ADA COUNTY SHERIFF**

TO ANY SHERIFF, CONSTABLE OR PEACE OFFICER OF THE STATE OF IDAHO:

YOU ARE HEREBY COMMANDED forthwith, to arrest the Defendant and probationer at any time during the day or night and deliver him into the custody of the Sheriff of Ada County, Idaho, at the County Jail; the Defendant and Probationer.

**BENCH WARRANT FOR PROBATION VIOLATION
(LEARY/CR-FE-2011-0018061), Page 1**



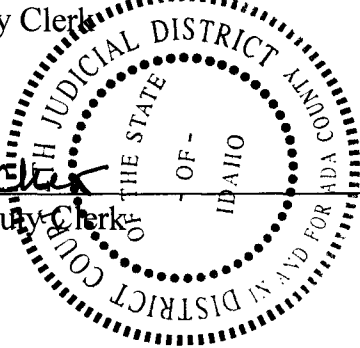
brought before this Court on the next regular arraignment day of the Court following his arrest and delivery to the Ada County Jail, then and there to show cause, if any, why the probation and withheld sentence heretofore granted him in the above-entitled cause should not be revoked and sentence imposed according to law, it appearing to this Court that the Defendant, a probationer under the jurisdiction of this Court, has violated the terms and conditions of said Judgment and Order and Agreement of Probation.

DATED this 19 day of Nov 2014.

CHRISTOPHER D. RICH

Ada County Clerk

By: Crackin
Deputy Clerk



BOND SET AT:

\$ NO Bond Cash/Surety

\$ _____ Cash

\$ _____ Surety

Pending arraignment on the Bench Warrant by Judge Copsey.

K Tuttle #4310
11/20/14
ACR

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

Daniel William Leary

Defendant.

CASE NO. CR-FE-2011-0018061

☐ Ada ☐ Boise ☐ Garden City ☐ Meridian

Defense Attorney _____

Jury Demanded _____

Jury Waived _____

ADDRESS: 1695 Cleveland St Boise, ID 83705 Date of Offense: _____

CHARGE(s): I37-2732C F Controlled Substance-Use or Under the Influence F I20-222 Probation Violation F
I20-222 Probation Violation F I20-222 Probation Violation F

Filed: _____ Arraignment: _____ Amended: _____

Complainant: _____ BENCH WARRANT: _____ ☐ Yes ☐ No

BAIL: _____ BOND FORFEITURE: _____ CASE CLOSED: _____

PLEA: ☐ Guilty ☐ Not Guilty Continued for Plea to _____

JUDGE: Cheri Copsey (Drug Court) Trial set for: _____

DECISION: ☐ Acquitted ☐ Dismissed ☐ Guilty ☐ Withheld Judgment

PENALTY: FINE \$ _____ JAIL _____ COSTS \$ _____ PROBATION _____

REMARKS: _____

Done in Open Court on _____

Judge/Clerk

FURTHER PROCEEDINGS: _____

Judge/Clerk

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>1:36:50 PM</u>		DANIEL LEARY CR FE 11 18061 ADMIT/DENY
<u>1:36:50 PM</u>		Present: Shawna Dunn for the State, Lance Fuisting for defense, defendant in custody
<u>1:36:50 PM</u>	Fuisting	He'll admit to all allegations in the discharge motion; he'll agree to discharge; and he'll admit the PV. Ask the Court to use the old PSI and set this for PV disposition asap.
<u>1:36:50 PM</u>	Court	Inquires of Mr. Fuisting.
<u>1:36:50 PM</u>	Court	Inquires of defendant.
<u>1:36:50 PM</u>		Defendant sworn, examined by the Court.
<u>1:36:50 PM</u>	Court	Accept admissions and agreement to discharge as knowingly and voluntarily given. Will enter Order of Discharge. Also find defendant is in violation of his probation. PV dispo 12/17/14 @ 9am.
<u>1:36:50 PM</u>		End of case

GREG H. BOWER
Ada County Prosecuting Attorney

Daniel E. Peterson
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

NO. _____ FILED _____
A.M. _____ P.M. 5

NOV 26 2014

CHRISTOPHER D. RICH, Clerk
By **DETH MASTERS**
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

DANIEL WILLIAM LEARY,)

Defendant.)
_____)

Case No. CR FE 2011-0018061

**ORDER FOR DISCHARGE FROM
ADA COUNTY DRUG COURT
PROGRAM**

GOOD CAUSE having been heard and based upon the State's Motion to Discharge the Defendant from the Ada County Drug Court Program, this Court Orders that the Defendant be removed from Drug Court for failing to adhere to Drug Court rules and regulations.

IT IS SO ORDERED this 26 day of Nov, 2014.

Cheri C. Copsey
Cheri C. Copsey
District Judge

**ORDER FOR DISCHARGE FROM ADA
COUNTY DRUG COURT PROGRAM, (LEARY-FE 11-18061)**

000203

Time	Speaker	Note
<u>9:08:35 AM</u>		DANIEL LEARY CR FE 11 18061 PV DISPOSITION
<u>9:08:38 AM</u>		Present: Dan Peterson for the State, Lance Fuisting for defense, defendant in custody
<u>9:08:39 AM</u>	Fuisting	New charge.
<u>9:08:45 AM</u>	Court	Set over to 2/4/15 @ 9am.
<u>9:09:22 AM</u>		End of case

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>9:06:55 AM</u>		DANIEL LEARY CR FE 11 18061 PV DISPOSITION
<u>9:07:00 AM</u>		Present: Dan Peterson for the State, Lance Fuisting for defense, defendant in custody
<u>9:07:02 AM</u>	Fuisting	Need set-over. Jury trial in his other case is 10 March, so ask for set-over to 18 March.
<u>9:07:19 AM</u>	Court	3/18/15 @ 9am.
<u>9:07:25 AM</u>		End of case

Time	Speaker	Note
<u>9:07:51 AM</u>		DANIEL LEARY CR FE 11 18061 PV DISPOSITION
<u>9:08:24 AM</u>		Present: Dan Peterson for the State, Lance Fuisting for defense, defendant in custody
<u>9:08:33 AM</u>	Court	Underlying is 7 = 2.5 + 4.5.
<u>9:08:45 AM</u>	Fuisting	The other case has been disposed of.
<u>9:08:52 AM</u>	Peterson	It was a Rule 11 agreement, basically just credit for time served.
<u>9:09:04 AM</u>	Counsel	No legal cause.
<u>9:09:26 AM</u>	Fuisting	Re correction on pg 4 of the PSI.
<u>9:09:49 AM</u>	Court	This PSI was prepared in 2012; it's already been entered into the record and I can't change it. No updated PSI was prepared.
<u>9:10:21 AM</u>	Counsel	No additional investigation/eval needed.
<u>9:10:34 AM</u>	Peterson	Recommend revocation of probation and imposition of the original sentence.
<u>9:12:39 AM</u>	Fuisting	ASK for CFTS on all time served, including time in custody while on pending warrant.
<u>9:16:21 AM</u>	Defendant	Addresses the Court on his own behalf.
<u>9:17:19 AM</u>	Court	I find that you violated your probation knowingly and voluntarily. I deny the Rule 35.
<u>9:17:54 AM</u>	Court	My primary concern is rehabilitation. Re-impose original sentence, JOC 7 = 2.5 + 4.5. Defendant is remanded; any bail is exonerated; CFTS. I'll recommend the Work Center. DNA sample. No new CC or PD reimbursement. But any suspended fines are now imposed. Restitution remains the same. Appeal rights.
<u>9:20:47 AM</u>		End of case

MAR 19 2015

CHRISTOPHER D. RICH, Clerk
By **LUCILLE DANSENEAU**
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

DANIEL WILLIAM LEARY,

[REDACTED]
[REDACTED]

Defendant.

Case No. CR-FE-2011-0018061

**ORDER REVOKING PROBATION
AND IMPOSING SENTENCE**

WHEREAS, on March 18, 2015, the above named Defendant, appeared before this Court, with counsel, Lance Fuisting, for disposition because of the Defendant's violation of the Court's probation. The Court finds the Defendant's violation was knowing and willful. The Court considered alternatives to revoking the Defendant's probation and, in an exercise of discretion, revokes probation. The Defendant waived his right to an updated presentence investigation.

Now, therefore, IT IS HEREBY ORDERED that the Order Reinstating, Amending and Extending Probation directed at the Defendant on the charge of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c) entered by the Honorable Michael Wetherell on February 20, 2014, be and the same is hereby revoked, and the Defendant, is sentenced on the said charge to the custody of the Idaho State Board of Correction, under the Unified Sentence Law of the State of Idaho, for an aggregate term of seven (7) years, to be served

1 as follows: a minimum period of confinement of two and one-half (2½) years, followed by a
2 subsequent indeterminate period of custody not to exceed four and one-half (4½) years. The
3 Defendant is to receive credit for five hundred twenty-six (526) days previously served which
4 *includes* any time served on a prior retained jurisdiction.

5 The Court recommends that the Defendant be placed at the Community Work Center.

6 The Defendant shall pay all fees and costs previously imposed that have not been paid. No
7 further costs and fees will be assessed on the probation violation.

8 The Court denies the Defendant's oral Rule 35 motion to reduce sentence.

9 The Defendant is hereby remanded to the custody of the Sheriff of Ada County to be
10 delivered into the custody of the Director of the Idaho State Correctional Institute.

11 Pursuant to I.C. § 67-3004(6), as a condition of this sentence, if the Defendant has not been
12 previously fingerprinted in conjunction with this crime, the Defendant shall be fingerprinted by the
13 Ada County Sheriff's Department even if he/she is placed on probation within five (5) days of this
14 sentence.

15 Further, if the Defendant has not already done so, he/she shall submit a DNA sample and
16 right thumbprint impression to the State of Idaho database as required under Idaho law.


17 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this order to the said
18 Sheriff, which shall serve as the commitment of the Defendant.

19 **NOTICE OF RIGHT TO APPEAL**

20 **YOU, DANIEL WILLIAM LEARY, ARE HEREBY NOTIFIED** that you have the
21 right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within
22 forty-two (42) days of the entry of the written order in this matter.
23
24
25

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

Dated this 18th day of March 2015.


Cheri C. Copsey, District Judge

CERTIFICATE OF MAILING

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have mailed one copy of the: **ORDER REVOKING PROBATION AND IMPOSING SENTENCE** as notice pursuant to Rule 77(d) I.C.R., as follows:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTION - CENTRAL RECORDS
VIA E-MAIL

PROBATION & PAROLE
VIA E-MAIL

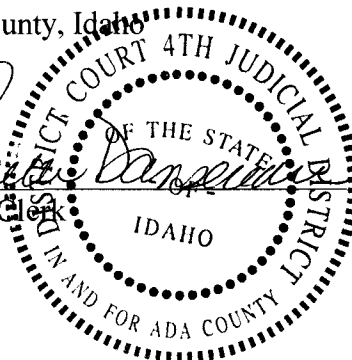
CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date:

3/19/15

By

Deputy Clerk



198

NO. _____
A.M. _____ P.M. _____ **4**

APR - 6 2015

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant-Appellant

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

LANCE L. FUISTING, ISB #7791
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DANIEL WILLIAM LEARY,

Defendant-Appellant.

Case No. CR-FE-2011-0018061

NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE CLERK
OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

- 1) The above-named Appellant appeals against the above-named respondent to the Idaho Supreme Court from the final decision and order entered against him in the above-entitled action on March 18, 2015, the Honorable Cheri C. Copsey, District Judge presiding.
- 2) That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under, and pursuant to, IAR 11(c)(1-10).
- 3) A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal is:
 - a) Did the district Court err by denying Defendant's motion filed under ICR 35?

- b) Did the Court err in calculating Defendant's time served?
- 4) There is a portion of the record that is sealed. That portion of the record that is sealed is the pre-sentence investigation report (PSI).
- 5) Reporter's Transcript. The Appellant requests the preparation of the entire reporter's standard transcript as defined by IAR 25(d). The Appellant also requests the preparation of the additional portions of the reporter's transcript:
- a) Admit/Deny hearing held December 17, 2014 (Court Reporter: Kim Madsen. Estimated pages: 50).
- b) Disposition hearing held March 18, 2015 (Court Reporter: Kim Madsen. Estimated pages: 50).
- 6) I certify:
- a) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (I.C. §§ 31-3220, 31-3220A, IAR 24(e)).
- b) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, IAR 23(a)(8)).
- c) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent (I.C. §§ 31-3220, 31-3220A, IAR 24(e)).
- d) That service has been made upon all parties required to be served pursuant to IAR 20.

DATED this 6th day of April 2015.



Lance L. Fuisting
Attorney for Defendant

CERTIFICATE OF MAILING

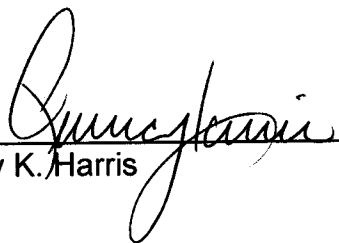
I HEREBY CERTIFY, that on this 0 day of April 2015, I mailed (served) a true and correct copy of the within instrument to:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho Appellate Public Defender
3050 North Lake Harbor Lane, Suite 100
Boise, Idaho 83703

Kim Madsen
Court Reporter
Interdepartmental Mail

Drug Court
Ada County Prosecutor's Office
Interdepartmental Mail



Quincy K. Harris

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant-Appellant

LANCE L. FUISTING, ISB #7791
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED ^{NO.} 8.99 ^{FILED} 8.99
A.M. P.M.

APR 06 2015

APR 13 2015

ADA COUNTY COURT CLERK

CHRISTOPHER D. RICH, C
By BETH MASTERS
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DANIEL WILLIAM LEARY,

Defendant-Appellant.

Case No. CR-FE-2011-0018061

ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER ON
DENIAL OF MOTION FOR
RECONSIDERATION OF SENTENCE

The above-named Defendant, DANIEL WILLIAM LEARY, being indigent and having heretofore been represented by the Ada County Public Defender's office in the District Court, and said Defendant having elected to pursue an appeal in the denial of the Motion filed pursuant to I.C.R. 35 in the above-entitled, the Court finds that, under these circumstances, appointment of appellate counsel is justified. The Idaho State Appellate Public Defender shall be appointed to represent the above-named Defendant in all matters pertaining to the said appeal. *sc*

SO ORDERED AND DATED this 9 day of April 2015.

Cheri C. Copsey

Cheri C. Copsey
District Judge

CERTIFICATE OF MAILING

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have mailed one copy of the Order Appointing State Appellate Public Defender on Direct Appeal as notice pursuant to the Idaho Rules to each of the parties of record in this case in envelopes addressed as follows:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho Appellate Public Defender
3050 North Lake Harbor Lane, Suite 100
Boise, Idaho 83703

Drug Court
Ada County Prosecutor's Office
Interdepartmental Mail

Ada County Public Defender
Attn: Quincy K. Harris
Interdepartmental Mail

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date: 4-13-15

By *Deborah Master*
Deputy Clerk

NO. _____
A.M. 11:37 FILED P.M. _____

JUN 10 2015

CHRISTOPHER D. RICH, Clerk
By **KELLE WEGENER**
DEPUTY

TO: Clerk of the Court
Idaho Supreme Court
451 West State Street
Boise, Idaho 83720

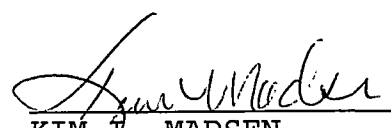
(SC No. 43097
(
(
(STATE
(
(vs.
(
(LEARY

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on June 8, 2015, I
lodged a appeal transcript of 17 pages in length in the
above-referenced appeal with the District Court Clerk of the
County of Ada in the 4th Judicial
District.

This transcript contains hearings held on

.....December 17, 2014
.....March 18, 2015


KIM J. MADSEN
Ada County Courthouse
200 West Front Street
Boise, Idaho 83702
(208) 287-7583

KW

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DANIEL WILLIAM LEARY,

Defendant-Appellant.

Supreme Court Case No. 43097

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

There were no exhibits offered for identification or admitted into evidence during the course of this action.

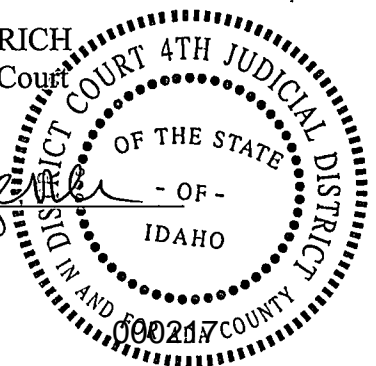
I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Presentence Investigation Report.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 10th day of June, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By KWeger
Deputy Clerk



CERTIFICATE OF EXHIBITS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DANIEL WILLIAM LEARY,

Defendant-Appellant.

Supreme Court Case No. 43097

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

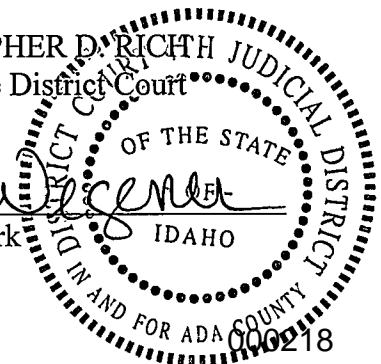
BOISE, IDAHO

Date of Service: JUN 10 2015

CERTIFICATE OF SERVICE

CHRISTOPHER D. RICH
Clerk of the District Court

By [Signature]
Deputy Clerk



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

DANIEL WILLIAM LEARY,

Defendant-Appellant.

Supreme Court Case No. 43097

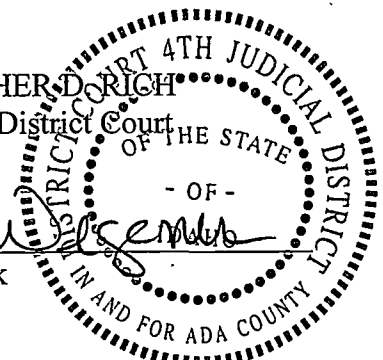
CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsel.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 6th day of April, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By K. W. [Signature]
Deputy Clerk



CERTIFICATE TO RECORD

000219